

No. 16117

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United States  
Court of Appeals  
for the Ninth Circuit

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NATIONAL LABOR RELATIONS BOARD,  
Petitioner,

vs.

SEBASTOPOL APPLE GROWERS UNION,  
Respondent.

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Transcript of Record

In Three Volumes

VOLUME II.

(Pages 433 to 876, inclusive)

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Petition For Enforcement of An Order of  
The National Labor Relations Board

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PAUL P. O'BRIEN, CLERK



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(Testimony of Ernestine Hack.)

Q. Now, do you remember any other statements she made about the Union during last year's season?      A. No. [647]

Q. Did you go to work on the night of October 15th, 1954; did you punch in?      A. Yes.

Q. And was there a meeting held in the warehouse that night?      A. Yes.

Q. Did you—Who told you about that meeting?

A. Well, a lot of the workers, and it was on the board.

Q. Was your name read from the list of employees that was read?      A. Yes.

Q. Was Erma Bate's name read?

A. I didn't hear it.

Q. Did you listen carefully for her name as well as yours?      A. Yes, I did.

Q. And you didn't hear it read?      A. No.

Q. After the meeting was over, did you go back to work?      A. Yes.

Q. After you had gone back to work, did Ella Herrerias come and talk to you?      A. Yes.

Q. About how long after you got back to work?

A. About an hour.

Q. And was anyone else present at the time?

A. Well, the workers, the men.

Q. The dumpers and stackers around? [648]

A. Yes.

Q. But anyone immediately present at the conversation?      A. No.

Q. Will you tell us as well as you now can recall what you said and she said on this occasion?

(Testimony of Ernestine Hack.)

A. Well, she came out and wanted to know where Erma was and I said, "I don't know, she took off," and some man spoke up and said——

Mr. Berke: Wait a minute. That's outside——

Trial Examiner: Wait.

Mr. Karasick: All right.

Q. (By Mr. Karasick): I think you can go on now, if you will.

A. She came out to the belt and asked where Erma was, and I says, well, I think she took off, and some man spoke up and said she did, he seen her leave; and she asked me where she went, and I said she was mad because her name wasn't called. So she says, well, I know it was called, because I asked for her, and so then she said she was going to the office; she went, came back in about a half hour or so and showed me her name was on the list.

Q. She showed you a list on which Erma's name was listed?           A. Yes. [649]

\* \* \* \* \*

#### Cross Examination

Q. (By Mr. Berke): Mrs. Hack, you say that you went to work for Sagu the first time on July 19th, 1954?           A. Yes.

Q. And that was on the night shift?

A. Yes.

Q. You are certain of that date, are you? [658]

A. Yes, yes.

Q. Are you as certain of the conversation that you have related that took place between Mrs. Bate and Mrs. Herrerias and yourself, at which

(Testimony of Ernestine Hack.)

you listened or heard, as you are of the date you went to work?       A. Yes.

\* \* \* \* \*

Q. (By Mr. Berke): Do you recall how many conversations Mrs. Herrerias had with Mrs. Bate while you were present?       A. No.

Q. Was there more than one?

A. I really didn't pay any attention. [659]

\* \* \* \* \*

Q. As I understand it, you saw Mrs. Bate's name on the list of employees that were to be retained on the single shift, is that correct? [660]

\* \* \* \* \*

A. Yes.

Q. (By Mr. Berke): Mrs. Herrerias showed you that list on the night of October 15th, is that right?       A. Yes. [661]

\* \* \* \* \*

Q. (By Mr. Berke): Are you and Mrs. Bate friends, besides being co-workers?       A. Yes.

Q. You visit at each other's home?

A. Yes.

Q. Have you talked this matter over between you?       A. No.

Q. Not at all?       A. No.

Q. You didn't discuss whether there was going to be a hearing involving the Company that you worked for?       A. No.

Q. And you discussed nothing about Ella Herrerias and what she was supposed to have said to you and to Mrs. Bate?       A. No.

(Testimony of Ernestine Hack.)

Q. Didn't discuss this with anyone?

A. No.

Q. Not even with representatives of the National Labor Relations Board?      A. Well, yes.

\* \* \* \* \* [663]

LILA MAE LAYMAN

called as a witness by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows: [667]

Direct Examination

\* \* \* \* \*

Q. (By Mr. Magor): During the time that you were working for Sagu or Molino, did you sign any Union authorization card?      A. Yes.

Q. Do you recall when it was, to the best of your recollection?

A. All I can tell you is that it was some time in August.

Q. Can you tell us how long it was after you were first employed that you signed one?

A. I would say approximately two weeks.

Q. I show you, Mrs. Layman, General Counsel's Exhibit No. 28 in evidence and I ask you to look at that very carefully. Now, [669] overlooking the writing on General Counsel's Exhibit 28, which is put in there by pen, is this similar to the card that you signed?      A. Yes.

Q. What did you do with the card that you signed, Mrs. Layman?      A. I mailed it in.

Q. And you mailed it in to whom?



(Testimony of Lila Mae Layman.)

A. The Union.

Q. The Teamsters, Local 980? A. Yes.

Q. What union activities, if any, did you engage in while you were employed by Sagu or Molino?

A. Well, I helped the girls, I tried to get some of the girls to sign pledge cards.

Q. And when you refer to pledge cards, are you referring to General Counsel's Exhibit 28?

A. Yes.

Q. And when was that, that you did that?

A. All the time I was working at Molino.

Q. And——

Trial Examiner: Excuse me. Do you mean that literally?

The Witness: Well, no, wait a minute. I mean while—not while I—not while I was on the job, but before I went to work, during my lunch hour.

Trial Examiner: I am talking about before you yourself became interested in the Union.

The Witness: I was interested in the Union.

Trial Examiner: From the day you were hired?

The Witness: Yes.

Trial Examiner: I see. All right. I was just wondering why the delay in signing that pledge card.

Q. (By Mr. Magor): Were you on any Union committees? A. Yes.

Q. And do you recall what Union committees you were on, or committee?

(Testimony of Lila Mae Layman.)

A. I don't quite understand what you mean by that.

Q. Well, let's get at it this way: When were you on a Union committee, to the best of your recollection, how long after you went to work there?

A. Shortly after I signed the pledge card.

Q. When you say shortly after, would it have been a matter of days or a week or what?

A. I can't remember how long it was after, but it was only—I'd say not over a week or so at the most.

Q. And who asked you to be on the Union committee?      A. Bill Grami.

Q. And who is Bill Grami, to your knowledge?

A. He is the organizer in the Sebastopol area.

Q. Where were you at the time that Bill Grami asked you to be [671] on the Union committee?

A. On my way home from work.

Q. And was this the day shift or night shift committee, if you know?      A. Day shift.

Q. To your knowledge, was it the original committee?      A. Yes.

Q. Can you tell us to the best of your recollection today who the other members of the committee were?

A. Mr. and Mrs. Storey, Mr. and Mrs. Lee, Mary Russell, Leonor Johnson, Lena Ameral and myself. There were more but I——

Q. You don't recall the names?      A. No.

Q. What are the first names, if you know, of

(Testimony of Lila Mae Layman.)

Mr. and Mrs. Storey? Do you know their first names? A. Yes.

Q. Will you give them to us, please?

A. Orice Storey and Clarence Storey.

Q. Now, do you know the first names of Mr. and Mrs. Lee? A. Yes.

Q. Will you give them to us, please?

A. Eva Lee and Leonard Lee.

Q. Now, did you know Mrs. Storey when she was working at the cannery? [672] A. Yes.

Q. Did you know that she was discharged?

A. Yes.

Q. Before she was discharged, was there an incident involving a group of women wanting to talk to Mr. Martini? A. Yes, there was.

Q. Do you recall when that was?

A. I don't recall the date, no.

Q. Do you recall how long it was before Mrs. Storey was discharged?

A. Couldn't have been over three or four days, I don't think; I'm not sure.

Q. That is the best of your recollection?

A. Yes.

Q. Will you tell us what occurred on that date, to the best of your recollection?

A. The Union organizers were out on the highway talking over the loudspeaker.

Q. Do you know who the Union organizers were at that time? A. Yes.

Q. Who were they?

(Testimony of Lila Mae Layman.)

A. Bill Grami, Charlie—here we go again—Ciolino or something.

Q. Is it Charlie Ciolino?      A. Yes. [673]

Q. And where on the highway were they?

A. Well, they were parked out in front of the plant on the highway.

Q. To the best of your recollection, where were you at the time?      A. Talking to them.

Q. And what time of day was it, to the best of your recollection, Mrs. Layman?

A. It was during our lunch hour.

Q. And tell us what occurred.

A. Well, we were asked to go in and ask Mr. Martini if he would consent to meeting with the committee and the organizers, and have a talk with us, to find out if he would consent to us having an election at the plant.

Q. So what did you do then, if anything?

A. We went back in.

Q. When you say "we," who are you referring to?

A. Well, we decided—Mary Russell and Orice Storey and myself.

Q. Tell us what you did.

A. We decided that it would be best not to go in by ourselves, so we stopped and asked some of the other women if they would go with us.

Q. Do you recall who the other women were?

A. Everyone that worked there. [674]

Q. And was this during the lunch hour?

A. Yes.

(Testimony of Lila Mae Layman.)

Q. Tell us what happened, and what did you do then?

A. We got inside the plant and I went up and knocked on the door of Mr. Martini's office, and Mr. Duckworth came out and said that Mr. Martini was busy, that he wouldn't talk to us right now.

Q. When you went up and knocked on the door, what door are you referring to?

A. Mr. Martini's office.

Q. And where is that located?

A. It is upstairs by the lab.

Q. And who is Leonard Duckworth, to your knowledge?

A. Well, I know we took orders from him.

Q. What did you do then, after talking to Mr. Duckworth?      A. I went back downstairs.

Q. Where were the other women?

A. They were down there at the foot of the stairs.

Q. What occurred then, if anything?

A. Well, none of us punched back in for our lunch hour to go back to work, we wanted to talk to Mr. Martini first, and we had told Mr.—someone told Mr. Duckworth—I'm not sure who it was—that we would go back to work as soon as he would come down and talk with us. So then he came down and talked with us. [675]

Q. Who came down?      A. Mr. Martini.

Q. And did you observe who was with him at that time?      A. Leonard Duckworth.

Q. Was anybody else?

(Testimony of Lila Mae Layman.)

A. No, not that I know of.

Q. And will you tell us what was said at that time, to the best of your recollection, and tell us who said it.

A. Well, Mrs. Storey and myself were both talking. We asked him if he would consent to meeting with us.

Q. When you say you asked him, who are you referring to?      A. Mr. Martini.

Q. What did he say, if anything?

A. He said no. So we went back to work.

Q. Was anything else said, to your recollection?

A. Not that I can remember.

Q. I see. Did you see Mr. Martini after that on that day?      A. Yes.

Q. And will you tell us the circumstances under which you saw Mr. Martini on that day?

A. Mr. Duckworth came to my machine and told me that I was wanted in the office.

Q. What did you say, if anything?

A. I said O.K. and shut my machine off and went with him.

Q. I see. Will you tell us what time of day it was, to the [676] best of your recollection?

A. As far as I can remember, it was about a half hour before quitting time, twenty minutes or something like that.

Q. And did you go with Mr. Duckworth at that time?      A. Yes.

Q. Where did you go?

A. We started for the office but—I can't re-

(Testimony of Lila Mae Layman.)

member just where it was, we—Mrs. Storey joined us.

Q. Did Mrs. Storey join you?           A. Yes.

Q. Tell us what occurred then; what did you do then?

A. Then we went on up to his office.

Q. When you say “we,” who are you referring to?

A. Mrs. Storey, Mr. Duckworth and myself.

Q. Will you tell us what office you went to?

A. Mr. Martini’s office.

Q. And where is that located?

A. Ustairs.

Q. Upstairs where?

A. By the lab is all I can tell you, in the plant.

Q. I see. And when you got into Mr. Martini’s office, was Mr. Martini there?           A. Yes.

Q. Have you identified all the persons who were present at that time? [677]           A. Yes.

Q. Will you tell us now, to the best of your recollection today, what was said and who said it?

A. Well, I do remember when we first walked in the door he said he knew Mrs. Storey.

Q. Who said that?           A. Mr. Martini.

Q. All right, go ahead.

A. And that he was rather surprised at her—I don’t remember just the exact words he used—getting involved in this—had something to do with the Union. Anyway, being she had always been such a good worker, he was surprised at her, and then he said he didn’t know me, but that he was getting

(Testimony of Lila Mae Layman.)

to know me, and he told us that we had better think it over very carefully before we got ourselves involved in something we would be sorry for.

Q. Do you recall anything else that was said at that time, Mrs. Layman?

A. I know there was a lot more said, but it's been such a long time ago.

Q. Have you exhausted your recollection?

A. Yes.

Q. Was any mention made about talking about the Union?      A. Yes.

Q. Will you tell us what was said in that regard?

A. He said that while we were working for him and he was paying [678] us that he didn't expect us to go around talking Union, but that while we were on our own time—I don't remember just how he put it, but anyway we could talk Union on our own time, and I wasn't quite sure what he had said, so I asked him to repeat it, and he repeated it; and I told him then that I was going to continue on my own time.

Q. What did he say to that, if anything?

A. I think that was when he had told us that we better think it over before we got ourselves involved in something that we'd—that we would be sorry for, but that he admired our spirits.

Q. Is that all you recall of the conversation?

A. Yes.

Q. How long were you in Mr. Martini's office at that time?



(Testimony of Lila Mae Layman.)

A. Well, as close as I can recall, I would say it was about an hour and twenty minutes or an hour; I'm not sure.

Q. Were you there past quitting time?

A. Yes.

Q. You say you last worked for the Company on October 15, 1954?      A. Yes.

Q. Before that date did you have any conversations, or were you present at any time when Mr. Martini said anything about the Union?

A. Yes.

Q. Do you recall when it was? [679]

A. I don't recall the date, no.

Q. How long was it, to the best of your recollection today, before you were laid off, before October 15th?

A. Well, to the best of my recollection, it was two or three weeks before we were laid off.

Q. Can you tell us where you were at the time?

A. The doorway of the plant.

Q. And will you tell us, to the best of your recollection today, what time of day it was?

A. I'm not sure whether it was at lunch hour or on our break.

Q. Was anybody with you at the time?

A. Yes.

Q. Can you identify who was present?

A. Mary Russell was with me.

Q. Was there anybody else present?

A. There were other girls standing around, but I don't recall who they were.

(Testimony of Lila Mae Layman.)

Q. Was Mr. Martini there at the time?

A. Yes.

Q. Was anybody with Mr. Martini, to your recollection today?           A. Not that I can recall.

Q. Can you tell us what occurred at that time, what was said and who said it?

A. Well, I don't know what brought the subject up, but I do recall that he said that he would close the plant down rather [680] than to see it go Union, because he couldn't afford to pay Union wages.

Q. When you say "he," who are you referring to?           A. Mr. Martini.

Q. What else was said, if anything, at that time?

A. I can't remember anything else.

Q. Now, during the time that you were working for Sagu or Molino, did you see the Union representatives out at the plant on occasions?

A. Yes.

Q. How often did you see them out there?

A. Every time they came out, which—

Q. Where—Have you finished?           A. Yes.

Q. I don't want to interrupt you. Where would you observe them, observe the Union representatives while you were there?

A. Out on the highway.

Q. And did you at any time go out and talk to them?           A. All the time.

Q. Did you at any time—Did Mr. Martini say anything about that to you?

A. No, the only thing he ever said to me was one day, when we were coming back from the Union

(Testimony of Lila Mae Layman.)

ear to the plant, and Charley was standing out in front, and he asked us if we were going steady with Mr. Martini, and I said sure. [681]

Trial Examiner: With whom?

The Witness: With Charlie.

Mr. Berke: May we have Charlie's last name?

Q. (By Mr. Magor): Was that Charlie Ciolino again? A. Yes.

Q. Who was with you at this time?

A. Mary Russell.

Q. Was anybody with Mr. Martini at the time?

A. Mr. Duckworth was standing there with him.

Q. And can you tell us what time of day it was? I'm referring to the conversation you just related.

A. It was during our lunch hour.

Q. I see. Can you tell us where it occurred, where you were at the time you were talking to Mr. Martini?

A. At the doorway of the plant, just before you go in the plant.

Q. I see. Can you tell us, to the best of your recollection today, when it was that this occurred?

A. I would say approximately three weeks before we were laid off.

Q. Did you go to work the next working day after October 15th, 1954? A. No.

Q. Why didn't you go back?

A. Because my name wasn't called. [682]

Q. And when wasn't your name called, was that at the meeting of October 15th? A. Yes.

Q. Were you laid off at that time?

(Testimony of Lila Mae Layman.)

A. Yes.

Q. On October the 19th, 1954, the National Labor Relations Board held an election at Sagu or Molino, the Company; did you vote in that election?

A. Yes.

Q. What, if anything, was done with your ballot?

A. It was challenged.

Q. After the election, did you return to the plant at any time after that, and talk to any representative of management?

A. Yes.

Q. Do you recall when that was, to the best of your recollection today?

A. It wasn't very long afterwards, I would say about a week.

Q. About a week after the election?

A. Yes.

Q. Who, if anybody, was with you at the time?

A. Mary Russell.

Q. What representative of management—Strike that. With whom did you speak?

A. Mr. Martini.

Q. Where were you talking to Mr. Martini?

A. Out at the warehouse, the same one that we got laid off from.

Q. That is where this meeting was on October the 15th?

A. Yes.

Q. Same warehouse, is that it?

A. Yes.

Q. Who was present with Mr. Martini at the time, if anybody?

A. No one that I—

Q. Was anybody with you and Miss Russell, or Mary Russell?

A. No.

(Testimony of Lila Mae Layman.)

Q. Will you tell us now, to the best of your recollection today, what was said and who said it and identify the persons speaking.

A. Well, I asked Mr. Martini if there was any chance of getting back on, and he said no, that he didn't need any more help at the present time, that the warehouse was filled up; and then he made the remark that he had told me that I should have thought it over before I got myself involved in something I would have been sorry for, and he told us that the Union never works in canneries, in the apple industry, it works in the big plants like GMC and the automotive industry.

Q. When he told you that you should have thought it over, did you make any reply to that?

A. Yes, I did.

Q. What did you say?

A. I said, "Oh, I did." [684]

Q. Did he say anything at that time about hiring women back?      A. Yes.

Q. What did he say?

A. He said that he was calling the women back according to their seniority, and that if he needed more help he would call us back, before he hired new girls.

Q. And what else was said, if anything?

A. Well, I gave him my phone number, my name and address.

Mr. Berke: What? What was that?

(Answer read.)

(Testimony of Lila Mae Layman.)

The Witness: And he told us that he would call us if he needed us.

Q. (By Mr. Magor): I see. Did you ever receive a call from the Company to go back to work?

A. No. [685]

\* \* \* \* \*

Q. (By Mr. Magor): Mrs. Layman, during the time that you were employed by Sagu or Molino, what type of job, or what job did you say you had?

A. Well, when I first started I was a trimmer; after that I did everything, I was slicer, peeler, specker, trimmer, sorter, I guess that's about all.

Q. During the time that you were working for the Company, did you ever see an apple decorated?

A. Yes. [686]

Q. Do you recall when it was?

A. I don't recall just what date it was, no, sir.

Q. Did you see one decorated on one date, on one occasion or more than one occasion?

A. More than one.

Q. How many times would you say you had seen a decorated——

A. Well, I couldn't count the times. I have seen them decorated.

Q. And when you refer to decorated apples, will you explain for the Trial Examiner's understanding what you are referring to or how the apple looked?

A. Well, some of them had faces drawn on, cut on them, and others were tied in ribbons, and

(Testimony of Lila Mae Layman.)

others were stuck up on the machinery, the peelers; then there was one on the bulletin board.

Q. How did the one on the bulletin board look; can you describe it, please?

A. Well, somebody had fixed the face on it, put hair over the top of the apple, and put a cigaret in its mouth.

Q. Did you ever decorate apples yourself?

A. Yes.

Q. What would you do to them?

A. Make faces.

Q. And how would you make the faces?

A. With a trimming knife, I'd cut the eyes and put a plug in [687] for the nose.

Q. What sort of a—What would you use for a plug?      A. A piece of apple.

Q. And will you describe it—Have you finished describing it?      A. Yes.

Q. And when you cut the eyes out, how would you cut the eyes out?

A. Well, you take your knife and just poke a hole in it.

Q. Were you ever warned at all about doing this, by any floor lady?      A. No.

Q. Any representative of management ever warn you about it?      A. No.

Q. About decorating apples. To your knowledge, or in your presence, was anybody else ever warned by any representative of management about decorating apples?      A. No.

(Testimony of Lila Mae Layman.)

Q. To your knowledge, was anybody discharged for decorating apples?

A. Not while I was working.

Q. On the occasion that you were called up into the office by Mr. Martini, when Mrs. Storey was present, do you recall that date?      A. Yes.

Q. Would you describe how your machine looked at that time?      A. Yes.

Q. Tell us—describe it.

A. I had two apples—well, we had a guard up on the front of our machine; it was made out of tin and fastened on with four pieces of wire. Well, those four pieces of wire poked up in the air, and I had two apples on this side and two apples on this side.

Trial Examiner: Left and right.

Q. (By Mr. Magor): And would you describe the apples for us; what, if anything, was done to them?      A. I just set them up there.

Q. Mrs. Layman, during the time that you were working for the Company, did any representative of management ever comment to you about decorated apples?      A. No. Could I change that?

Q. Surely.

A. My floor lady did tell me I made a very pretty one one day.

Q. And who was your floor lady?

A. Edna Hardin.

Q. Do you recall when it was that Edna Hardin told you that?      A. No, I don't.



(Testimony of Lila Mae Layman.)

Q. Tell us how long it was before you were laid off, to the best of your recollection today.

A. I would say it was approximately the last part of June. [689]

Q. And where were you at the time?

A. I was trimming.

Q. Do you recall what time of day it was?

A. Well, it was in the afternoon, because I asked to get relieved from my machine sometime in the afternoon.

Q. I see. Was anybody else present at the time besides yourself and Mrs. Hardin, to the best of your recollection?

A. I know there was someone, but I don't remember who it was.

Q. Would you describe the apple on that occasion?

A. I had made a face on it, and put part of the core up on top for a hat, in the hole on top.

Q. I see. And where was the apple?

A. Sitting up on the—well, piece of metal by the water that came down, that we put the apples in—took the apples on down.

Q. I see. Will you tell us now to the best of your recollection what Mrs. Hardin said, or give us the conversation.

A. I can't remember exactly what was said, but I do know that she told me that it was pretty.

Mr. Magor: You may examine.

(Testimony of Lila Mae Layman.)

Cross Examination

Q. (By Mr. Berke): Did you ever make a second core hole in an apple and take the core and plug it in and then send it down the line to be processed?

A. I made a second hole a lot of times, but I never took the core—— [690]

Q. You never took and put the core back in and sent it down the line to be processed?

Mr. Magor: Just a moment. I object to that on the ground that it assumes facts not yet in evidence, that a second core hole was put in the apple and it was sent down the line to be processed.

Trial Examiner: Well, the word "processed," to be processed, I think, could be left out, Mr. Berke; sent down the line anyway.

Q. (By Mr. Berke): All right. Did you send it down the line?

A. I never inserted the core back in.

Q. You never did anything like that?

A. No. [691]

\* \* \* \* \*

Q. Well, you testified that some three or four days before Mrs. Storey was discharged you recalled an incident where you approached Mr. Martini, or a group of you, and asked him if he would meet with the Union representatives, is that right?

A. Yes. [693]

\* \* \* \* \*

Q. All right. Did you see the fork-lift in operation while you were standing there in the group?

(Testimony of Lila Mae Layman.)

A. Yes, it came through the door, we had to move.

Q. You had to move?           A. Yes. [697]

\* \* \* \* \*

ELLA HERRERIAS

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows: [709]

Direct Examination

\* \* \* \* \*

Q. (By Mr. Karasick): Do you remember the date that the reduction to one shift occurred, in 1954, Mrs. Herrerias?

A. You mean the day that we went on the day shift or went off——

Q. No, the day when you held the meeting and the employees were told there would be a reduction to one shift?           A. I think it was October 15th.

Q. Do you remember the day before that seeing some of the employees coming to the plant wearing Union buttons?

A. No, not until—the day before, I believe it was. [721]

Q. The day before?

A. The day before October 15th, yes.

Q. Was the first time you saw them wearing Union buttons?           A. That's the first time.

Q. Do you know Erma Bate, Mrs. Herrerias?

A. I do.

Q. And was she one of the sorters at the plant?

A. That's right.

(Testimony of Ella Herrerias.)

Q. In 1954? A. Yes, sir.

Q. And do you recall that one day at the plant out there she gave you a list which she told you was a list of the members of the Union at the plant? A. She never gave me no list.

Q. She didn't? A. Not at the plant, no.

Q. Did she give you a list someplace else?

A. At my house.

Q. I see. And when was it that she gave you that list? A. That was October 16th.

Q. Now, I hand you a document consisting of eight typewritten pages and ask you if that is the list to which you are referring. Would you look at it carefully, Mrs. Herrerias.

A. That's right.

Q. It is the list? [722] A. Yes.

Q. Now, I notice that there is a notation there in pen and ink on it,— A. Yes.

Q. —running lengthwise across the paper at right angles to the typewritten matter.

A. Yes, you mean—

Q. Yes, which begins with the words 2/4/55 and ends with your initials. A. Yes.

Q. Was that inscribed on the list by you? Is that your handwriting?

A. That is my handwriting, yes.

Q. And that is true of each of the eight pages, is it not? Will you look through them and see? That is true, is it not? A. Yes, yes.

Q. Each of those pages are inscribed in the same

(Testimony of Ella Herrerias.)

way by you in your own handwriting and signed by you, is that right?

A. No, I didn't write that, I just signed this. Mr. Grami wrote that. This is my signature on there.

Q. The name is yours?           A. That's right.

Q. But it was subscribed to—the bottom of the writing put on by Mr. Grami, you say?

A. The signature is mine but the writing is Mr. Grami's. [723]

Q. And your signature endorses what the writing by Mr. Grami says to be true, does it not?

A. That's right.

Mr. Karasick: I offer the document in evidence as General Counsel's Exhibit 32.

Trial Examiner: Any objection?

Mr. Berke: I object to it on the ground that it is irrelevant, immaterial, no proper foundation has been laid for its admission. There is no showing here that this is the list Mrs. Bate got.

Trial Examiner: I will receive General Counsel's Exhibit 32.

\* \* \* \* \*

Q. (By Mr. Karasick): Now, after the list was given you by Mrs. Bate, Mrs. Herrerias, it was shown to Mr. Duckworth at the plant, was it not?

A. No, I took it to his home. [724]

Q. To his home?           A. Yes.

Q. Now, is that Mr. Duckworth the same Leonard Duckworth who was a superintendent last year at the plant?           A. Yes. [725]

\* \* \* \* \*

(Testimony of Ella Herrerias.)

Q. (By Mr. Karasick): Why did you show this list to Mr. [729] Duckworth, Mrs. Herrerias?

A. Mrs. Bate brought this to my home in the afternoon of Saturday, I remember distinctly, because we weren't working that day—we had been working Saturday, but that day we didn't work—and she came around before noon and she had left it; I got very worried, and I didn't know what to do with it, so I just called him up and asked him—in fact, I told him that I had a list, and I didn't know what to do with it. I suggested if he wanted to see it—— [730]

\* \* \* \* \*

Q. And did he refuse to look at it when you gave it to him?

A. No. It was rather embarrassing, when I took it to him, so when I saw that he wasn't in no condition to see it—so I just—I left it there. [731]

Q. What was embarrassing about it?

A. Well, he would—he was just a little bit happy, so I just left it there with him. I didn't—I told him to bring it back to me the following day.

Q. I see. And this was when you brought it to him?

A. That very same night of October 16th, the day that she brought it to me.

Q. And by "happy," you mean he had had one too many, perhaps?      A. Well, yes.

Q. I see. And did he bring it back to you the next day?

A. No, he said that he hadn't even had time to

(Testimony of Ella Herrerias.)

look at it. In fact, he told me he didn't even remember that I had even taken it to him.

Q. That was when?           A. On a Monday.

Q. On a Monday. Did he finally give it back to you?           A. The following day.

Q. On Tuesday?           A. Yes.

Q. I see. Was it up in the lab for a while on one of the desks?

A. I don't know. He just told me it was upstairs, to get my papers, and that's all I know. [732]

\* \* \* \* \*

Q. (By Mr. Karasick): Do you know Mrs. Dickerson, Mrs. Herrerias?

A. I know her, yes; that is, working with her.

Q. Yes. That is what I meant. Mrs. Elsie Dickerson. [737]

A. That's right.

Q. She was discharged at the plant last October sometime I believe, do you remember?

A. Yes; yes, sir.

Q. You, as floor lady, ordered her discharge, did you not?

A. Well, I wouldn't put it that way.

Q. Well, how would you put it?

A. I told Mr. Duckworth about it, and he told me to discharge her.

Q. On your recommendation?

A. Not necessarily, no. I just told him what was happening.

Q. This is because of what Mrs. Dickerson was doing with apples, is that right?           A. Yes.

(Testimony of Ella Herrerias.)

Q. It was what she was doing with apples, right?

A. Yes, that's right.

Q. You saw what was going on?                      A. I did.

Q. And you wanted to be sure, and you observed her for a couple of days at this, and then you told Mr. Duckworth about it and Mrs. Dickerson was discharged, right?

A. That's right, that's right.

Q. Now, this is a pretty dangerous thing to be doing in the plant?                      A. It certainly is. [738]

Q. What was dangerous about it, Mrs. Herrerias?

A. Well, in the first place, when an apple is cored in two places, and if it is going for slices, it breaks your apples up into very small pieces, and if it goes for applesauce you are endangering the food, because of an extra core that goes through into your sauce.

\* \* \* \* \*

Q. Ever seen any decorated apples in the plant, Mrs. Herrerias? [739]

A. Well, when an apples comes through that is a little bit out of the ordinary, the girls take it, and they set it up before them.

Q. And you have seen a number of these apples in the plant last year and prior years, have you not?                      A. Decorated apples?

Q. Yes.

A. Yes, before the girls; they put them in front of them, but it does not go down the line.

Q. Did you ever see a decorated apple in the



(Testimony of Ella Herrerias.)

line, Mrs. Herrerias?           A. No.

Q. Never?                   A. No.

Q. Never see anything in the troughs or tanks with the apples before they were peeled, that is, foreign materials of any sort, rubber balls?

A. I never seen a rubber ball.

Q. Nothing like that?           A. No, sir. [740]

\* \* \* \* \*

Q. (By Mr. Karasick): Do you remember, Mrs. Herrerias, going up to the trim belt near the peelers and watching Mrs. Dickerson while she did these things to the apples?           A. Yes, sir.

Q. And——

Trial Examiner: What do you mean “these things”? Please explain.

Q. (By Mr. Karasick): The coring that you have talked about; right?           A. Yes.

Q. Putting the cores in?

A. Yes, that’s right.

Q. And you watched her for some time doing this, right?           A. I did.

Q. Now, when you told this to Mr. Duckworth, he told you to fire her then, but you waited till the end of the day, you felt it was better to do it then, and gave her her release then, is that right?

A. I suggested that—I suggested that we just wait and let her have the day, finish up the day, and then I would notify her at the end of the day.

Q. And that was agreeable to Mr. Duckworth, and that was what was done, wasn’t it?

A. That was right, correct. [742]

(Testimony of Ella Herrerias.)

Q. By the way, Mrs. Herrerias, you didn't talk to Mrs. Dickerson about this before she was discharged, did you?      A. No, sir, I did not. [743]

\* \* \* \* \*

Q. Do you remember a discussion in the plant before the October 15th reduction to one shift, upstairs in the office when you and Mr. Duckworth and Esther Doty and Mary McGuire and Danny Shuster and Steve Struempf were present?

A. No, Mrs. McGuire wasn't present.

\* \* \* \* \*

Q. (By Mr. Karasick): At this meeting with Mr. Duckworth, Charlie Williams, Danny Shuster, Johnny Aguire, Steve Struempf, Esther Doty and Mr. McGuire were present; does that refresh your recollection about that? You are right about Mrs. McGuire, she was not there.

A. I know, I don't think she was there, no, sir.

Q. No, you are right, but you know now—do you have in mind the meeting I am talking about upstairs in the office? [744]

A. I think I do, I think I do.

Q. Before the reduction. And there was a discussion at that time about people who would be chosen to be kept and people who would be laid off on October 15th, right?      A. Yes.

Q. And there was a discussion at that time about whether they were Union people or were trouble-makers or agitators or words to that effect as to some of them, is that right?

(Testimony of Ella Herrerias.)

A. They tried to pick out according to their ability.

Q. Yes, and to what else?

A. That was about all.

Q. No mention made—is it your testimony—about trouble-makers?      A. No.

Q. Union people or agitators?

A. No; no, sir. That was not—that Union—I mean trouble-makers or agitators wasn't brought up at all. [745]

\* \* \* \* \*

Q. (By Mr. Karasick): Now, Mrs. Herrerias, do you know what led up to the discharge of Mrs. Dickerson, why she was discharged?

A. Yes, for putting that extra core in the apple.

Q. In one apple?      A. No, more than one.

Q. How many?      A. I didn't count them.

Q. Well, lots of them anyway?

A. There was quite a few. [748]

\* \* \* \* \*

Q. Do you remember having made an affidavit which you signed and swore to on February 9th of this year before Mr. Mathews; is that right?

A. I remember that, but I could have said a lot of things that I don't know what I said. [755]

\* \* \* \* \*

Q. Now, let me call another matter to your attention, Mrs. Herrerias. Do you recall that after the affidavit was made, you wrote in and said that you protested this and you wanted it back?

A. I did. [758]

\* \* \* \* \*

(Testimony of Ella Herrerias.)

Q. (By Mr. Karasick): Do you remember, Mrs. Herrerias, that on March 22nd, 1955, in the Sebastopol office of your personal attorney, Frank W. Finn, you held a meeting with the Chief Legal Officer of the Twentieth Regional Office of the National Labor Relations Board, Mr. Penfield, and the Regional Director, Mr. Brown?

A. Yes, sir.

Q. Is that correct?      A. Yes, sir, that's right.

Q. In the presence of those three gentlemen, were you questioned regarding the affidavit you had made, and you read the affidavit, and with three minor exceptions you re-affirmed it as correct?

A. Yes, but after they left I spoke to the attorney and told him that there was more corrections to be made.

Q. To your attorney?      A. Yes, sir. [760]  
\* \* \* \* \*

Q. (By Mr. Karasick): You don't deny making that statement in the affidavit, do you?

A. That didn't all occur as you read it.

Q. I am not asking you that. I am merely asking you if you made that statement in the affidavit. Is that right or not? It is, isn't it?

A. It is in the affidavit, but those aren't all my words. [762]

\* \* \* \* \*

#### Cross Examination

Q. (By Mr. Berke): Mrs. Herrerias, there has been reference made by Mr. Karasick to an affi-

(Testimony of Ella Herrerias.)

davit that you gave to an agent of the Board. That agent was Mr. Mathews, was he not?

A. That's right.

Q. Do you see him here in the hearing room?

A. Yes, sir.

Q. Is he the man with that light suit and black tie?      A. Yes, sir.

Q. Where was this affidavit taken from you?

A. At the Union hall, in Sebastopol, in the office.

Q. That is in the Union, Local 980, of the Teamsters?

A. I believe that is the name of it. I don't know.

Q. How did you happen to go there?

A. Well, Mr. Grami called me up in the afternoon and asked me if he and a friend could come out to the house.

Q. Now, was that the same day that you went to the Union hall?      A. Yes, sir.

Q. All right. And how did you know it was Mr. Grami that talked to you?

A. He told me.

Q. On the telephone?      A. Yes, sir.

Q. Now, go ahead, tell us the conversation.

A. He asked me if he could come over, he had a friend that he would like for me to talk to, and I told him no, that I couldn't see him, that I was—I had promised—just promised to help my husband, and I wouldn't be able to see him at all. [765]

\* \* \* \* \*

The Witness: That I wouldn't be able to see him

(Testimony of Ella Herrerias.)

at home, so then he asked me if I would come down to the office that evening, and I told him at first I didn't think I could; so then he told me if I had—if I came down that it would be to my benefit, if I would come down, so I told him then I didn't know if I could get away or not, but I would try, and if I could I would be there around between 7:30 and 8:00, somewhere around in there.

\* \* \* \* \*

Q. (By Mr. Berke): Did Mr. Grami say anything to you about who would be present if you came down to the Union office?

A. No, sir, he didn't.

Q. Was that the end of your conversation with him?      A. That was it.

Q. Did you go down to the Union office that night?      A. I did.

Q. About what time?

A. I think I left the house around 7:30.

Q. And where was the Union office located then, as near as you recall? [766]

A. Well, it was off of Petaluma Street, but I don't know the street that the hall is on. It is on the corner, the hall is on the corner.

Q. In what town?      A. Sebastopol. [767]

\* \* \* \* \*

Q. (By Mr. Berke): What time did you arrive at the Union hall?

A. I'd say roughly around quarter to eight, I guess.

Q. This was a quarter to eight in the evening?

(Testimony of Ella Herrerias.)

A. Yes.

Q. And when you got there, where did you go?

A. I went to the hall.

Q. Did you go inside?           A. I went inside.

Q. Did you go into any office?

A. The Union office.

Q. And who did you see there, if anybody?

A. Just Mr. Grami.

Q. Did you have a conversation with him?

A. I think he said something to me about—that he wanted to help me and for me to tell the truth to this gentleman.

Q. Did he say who the gentleman was?

A. I don't remember if he told me then at that time or not, or if he waited till he returned and introduced me to him. I don't remember.

Q. I see. Did some other man come in while you were there, shortly after you arrived?

A. Later, later.

Q. About how long after your arrival? [768]

A. Maybe five or ten minutes. I don't know.

Q. And did Mr. Grami introduce you to this man?           A. I believe he did.

Q. And who was this man you were introduced to?           A. Mr. Mathews.

Q. Did Mr. Grami remain, after he introduced you to Mr. Mathews?

A. For a very short period.

Q. Did you have any conversation with Mr. Mathews after your introduction?

A. Not till after Mr. Grami left.

(Testimony of Ella Herrerias.)

Q. I see. Mr. Grami left a couple of minutes after you were introduced to Mr. Mathews?

A. More or less.

Q. All right. Did you see where Mr. Grami went?      A. No, sir.

Q. What took place then, after that?

A. Well, we sat—he asked me to sit at the desk.

Q. Who asked you?      A. Mr. Mathews.

Q. That was in the Union office?

A. Yes, sir.

Q. All right. And did you sit at the desk?

A. I did.

Q. Then what took place? [769]

A. He spoke to me about something, then he asked me to take the oath. I took the oath, and then he put a—his wallet with a picture and “United States Government” in front of me.

Q. Now, do you remember the oath that he gave to you?

A. No. Oh, “I swear to tell the truth, the whole truth, and nothing but the truth.”

Q. Was anything said about perjury to you?

A. No, not at that particular point, I don't remember, no.

Q. Was that term used a little later on?

Mr. Karasick: Now, just a moment.

Q. (By Mr. Berke): At any—during this meeting?

Mr. Karasick: Go ahead. I will wait.

A. Well, no, not at the beginning. I tell you, when I went to the hall I was in very bad shape.



(Testimony of Ella Herrerias.)

I had a very—physically and mentally, and I was just getting over the virus, and I shouldn't have gone, but when he told me it was to my benefit I thought it was concerning this list, which I was very anxious to clear. That was the reason why I went.

Q. (By Mr. Berke): All right. You don't remember whether Mr. Mathews used the word "perjury" that evening?

A. Well, Mr. Mathews was talking to me, but when I saw the "United States Government," I don't know, it just seemed like everything went blank before me, and he was talking to me, but I couldn't tell you what he said.

Q. All right. What time did you leave that Union hall? [770]

A. 1:30 in the morning.

Q. You had been there from quarter to eight till 1:30 in the morning?

A. Yes.

Q. Now, while you were there did Mr. Mathews ask you questions?

A. Yes.

Q. And was there a telephone in that office where you and Mr. Mathews were at the time?

A. Yes.

Q. Did Mr.—was there a clock on the desk?

A. Yes.

Q. Whose clock was that, do you know?

A. It was on the desk. I presume it belonged to the office.

Q. All right. Now, during the time that you were there, did that telephone ring?

A. I think it rang twice.

(Testimony of Ella Herrerias.)

Q. Twice. Do you know about what time it rang the first time?

A. About—not too sure, but I think it was around about 11:30.

Q. 11:30, p.m.?

A. More or less. I don't remember the exact time.

Q. And who answered the phone?

A. Mr. Mathews did.

Q. Could you hear his end of the conversation?

A. His end?

Q. Yes.            A. I could hear it, yes.

Q. Do you recall in substance what he said?

A. No, I don't.

Q. Do you recall anything that you heard him say?            A. No, I don't.

Q. Did he finally finish the conversation at some point, after he answered the phone?

A. Yes, he hung up the receiver.

Q. All right. And after he hung up, did he continue to question you?            A. Yes, sir.

Q. When was the next time that the phone rang, if you recall, approximately?

A. Approximately about an hour—approximately about an hour, I imagine, not later.

Q. Would this be about 12:30 then?

A. Approximately.

Q. 12:30, a.m.?            A. Possibly.

Q. And did Mr. Mathews answer the phone again?            A. Yes, sir.

Q. And were you able to hear his end of the

(Testimony of Ella Herrerias.)

conversation on that occasion? [772] A. Yes.

Q. Can you tell us, as near as you can recall, what he said?

A. I don't remember what he said.

Q. And then when he completed talking, did he hang up? A. Yes, sir.

Q. And then did he go back and continue questioning you again? A. Yes, sir.

Q. Now, tell us whether or not, while you were there with Mr. Mathews, from a quarter to eight until 1:30 a.m. the next morning, you had protested being there that late?

A. I merely said to him, as part of the questioning at one point—I asked him just how much longer, and that was all I said to him.

Q. What time was that?

A. I don't know, I don't remember.

Q. Did you tell Mr. Mathews anything about your physical condition, your mental condition?

A. I did mention something about that. I didn't know, that my head—I said it just seems to be light. I said, I don't know if I can answer too many questions or not. [773]

\* \* \* \* \*

Q. (By Mr. Berke): Now, you testified here under questioning by Mr. Karasick that some of the things Mr. Karasick read to you from your purported affidavit were not so, and that you stated those things with the help and assistance of Mr. Mathews. Please explain that.

A. Well, I tried to tell him to the best of my

(Testimony of Ella Herrerias.)

ability, and he would—he'd say, well, would it be for the union or would it be non-union.

Q. And what did you say?

A. Well, I looked at him as much as to say, well, I'd have to say something to him, so I just would nod my head.

Q. Did he suggest the words "union" or "non-union" to you?      A. In parts of it.

Q. At 1:30, was that the time when Mr. Mathews finished taking your affidavit?

A. Yes, I believe it was.

Q. Was that taken in his handwriting or were you writing it down?

A. No, he was writing it.

Q. I see. And what happened then at 1:30?

A. When he finished he asked me to read it, and I asked him, I said, "Do I have to read this tonight?" and he said he would [774] rather that I would, yes.

Q. He said he would rather you read it that night?

A. Or words to that effect. I don't remember just exactly what the words were.

Q. All right. And did you read it?

A. Oh, I did.

Q. Now, did you know what you were reading?

A. Not too much.

Q. Then what happened?

A. Then he brought the paper over to me and asked me to make corrections.

Q. And did you make the corrections?

(Testimony of Ella Herrerias.)

A. Well, I initialed rather.

Q. Well, who actually made the corrections?

A. Mr. Mathews did.

Q. I see. Were those corrections at your suggestion?  
A. No, sir. [775]

\* \* \* \* \*

Q. I see. Did Mr. Grami reappear?

A. He came in later.

Q. What time?

A. Well, I was there till 1:30 and he came in, why, just before that.

Q. Just before 1:30? A. Yes, sir.

Q. What were you doing at the point when he came in?  
A. I believe I was initialing.

Q. Now, subsequently, were you informed that a recording had been made of your conversation with Mr. Mathews that evening?  
A. No.

\* \* \* \* \* [777]

Q. (By Mr. Berke): Did you, after that, write letters to the Twentieth Regional Office of the Labor Board?  
A. I did.

Q. And was that the letter Mr. Karasick referred to when he was questioning you?

A. Yes, sir.

Mr. Berke: May we have that letter, Mr. Karasick, if you have it, please.

Mr. Karasick: If you show the purpose for it, yes.

Mr. Berke: I want to show that she asked for the return of that affidavit and her statement in there of the circumstances under which it was

(Testimony of Ella Herrerias.)

taken, and her position with respect to the contents of it.

Mr. Karasick: I think Counsel is well aware of the fact—I dislike to refuse a request of this sort, but I think Counsel is well aware of the fact that I am bound by the Board's [779] rules and regulations which prohibit me from handing over contents of the Regional Office file.

Mr. Berke: I don't think it goes to that, Mr. Karasick, and you know it.

Mr. Karasick: I think it does go to that, Mr. Berke, and I think you equally well know it.

Mr. Berke: All right, if Counsel refuses I am going to ask the Trial Examiner to instruct him to turn it over.

Trial Examiner: Well, do you have them in the room?

Mr. Karasick: Yes, I have them right here in the file, Mr. Examiner.

Trial Examiner: All right, I will ask you to deliver that to Mr. Berke.

Mr. Karasick: Oh, well, let me consult the rules and regulations to be sure that I am not holding myself in jeopardy here, Mr. Examiner, in following your bidding.

Trial Examiner: All right. Off the record.

(Discussion off the record.)

Trial Examiner: On the record.

Mr. Karasick: I am referring to Section 102.87 of the Board's Rules and Regulations, Series 6 as Amended, which provides as follows:

(Testimony of Ella Herrerias.)

No Regional Director, Field Examiner, Trial Examiner, attorney, specially designated agent, General Counsel, member of the Board or other officer or employee of the Board shall [780] produce or present any files, documents, reports, memoranda or records of the Board, or testimony in behalf of any party to any case pending in any court or before the Board or any other board, commission or other administrative agency of the United States, or of any state, territory or the District of Columbia, with respect to any information, facts or other matter coming to his knowledge in his official capacity, or with respect to the contents of any files, documents, reports, memoranda or records of the Board, whether in answer to a subpoena, subpoena duces tecum or otherwise, without the written consent of the Board or the Chairman of the Board, if the official or document is subject to the supervision or control of the Board, or the General Counsel—or if the official or document is subject to the supervision or control of the General Counsel.

Trial Examiner: Please don't read that. I am well aware of that. Of course it doesn't come into my possession officially, so I don't feel that I am bound, but what you are saying is that you respectfully decline to comply with my request that you turn it over to Mr. Berke until Mr. Berke has procured the consent of the Board?

Mr. Karasick: I would say on the basis of this rule I am bound to do that, too, Mr. Examiner, as I interpret it.

(Testimony of Ella Herrerias.)

Trial Examiner: Well, that is what you are doing.

Mr. Karasick: Yes. If you feel that my interpretation [781] is wrong, I'd be glad to be disabused on that.

Trial Examiner: I didn't say that, I didn't say that. I just want it clear on the record.

Mr. Karasick: I want it clear that that is the only reason I am refusing to produce this document.

Mr. Berke: Will you mark this as Respondent's exhibit next in order.

(Thereupon the document above referred to was marked Respondent's Exhibit No. 4 for identification.)

Mr. Karasick: Oh, by the way, what is the date of that letter?

Mr. Berke: February 18th, 1955.

Q. (By Mr. Berke): Mrs. Herrerias, I show you what purports to be a copy of a letter dated February 18th, 1955, addressed to Mr. Gerald A. Brown, Regional Director, National Labor Relations Board, 630 Sansome Street, San Francisco. Will you look at that and tell us if that is, as you recall, a copy of the letter that you sent to Mr. Brown on that day?

Do you remember the question? A. Yes.

Q. What is your answer? A. Yes.

Q. Did you send that letter to Mr. Brown on or about the date it bears, February 18th, 1955?

A. That's right. [782]



(Testimony of Ella Herrerias.)

Q. In the United States mail?

A. That's right.

Q. And subsequently did you hear from Mr. Brown in response to that letter?                      A. I did.

Mr. Berke: I offer Respondent's 4 in evidence.

\* \* \* \* \*

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): Mrs. Herrerias, last week, under questioning by Mr. Karasick, you referred to a meeting in your attorney's office, some time after you wrote the letter to Mr. Brown. What is your attorney's name, his full name?

A. Frank Finn.

Q. And where does he have his office?

A. In Sebastopol.

Q. Where did this meeting take place, in his office?                      A. In his office.

Q. Do you know about when?

A. No, I don't.

Q. Approximately how long ago?

A. Approximately—

Q. After you wrote the letter to Mr. Brown?

A. About two weeks, I think, approximately.

Q. Now, as I recall it, you said that after this meeting, or after Mr. Brown left, you told your attorney that there were other corrections. Is that correct? [797]                      A. That's right.

Q. Will you tell us what those are?

A. The corrections were the ones where the Union's wording was used.

Q. You mean with reference to the Union?

(Testimony of Ella Herrerias.)

A. Yes, sir. [798]

\* \* \* \* \*

Q. Now, Mrs. Herrerias, at the time Mr. Duckworth told you there was going to be a reduction from two shifts to one shift, you said he told you to pick out your best workers and pick out the ones that you had trouble with, is that correct?

A. That's right.

Q. Now, did you have any workers that had given you trouble? A. I have a few, yes.

Q. What was the nature of that trouble?

A. Well, there was Pauline Ploxa and some other girl had a fight, and Mrs. Ploxa struck this girl across the mouth and they had to be separated.

Q. Now, with respect to the meeting that was held on October 14th, the day before the meeting of the employees in the cannery warehouse, where did that meeting take place? A. Upstairs. [804]

\* \* \* \* \*

Q. Now, was there any discussion by those present at this particular meeting about this worker being too pro-union or that worker being for the Union or this one being anti-Union? A. No.

Q. How did you pick out the women that you wanted to remain for that shift? A. Myself?

Q. Yes.

A. I picked them out according to their ability.

Q. Now, with respect to Mrs. Dickerson, you remember her discharge, do you not?

A. I do.

Q. Do you recall when it was that you first saw

(Testimony of Ella Herrerias.)

Mrs. Dickerson treating apples in the manner that you described the other day?

A. I found that apples came down through the cage, and I asked the inspector if there was very many apples coming down that way, and she said there was quite a few, so I just walked [807] up and looked at it, because you can tell from the size of the apple where it comes from, because they are graduated, and so I started to investigate.

Q. All right, before we go into that, do you remember the day when you first discovered that?

A. You mean the actual date?

Q. Yes. A. No, I don't.

Q. Was it the same day of her discharge or was it a previous day?

A. No, sir, it was a previous day, because she done it twice.

Q. And did you go back up the line to discover who was doing it?

A. I walked up the line behind the peelers because that way you can see the trimmers down in front.

Q. All right, now, what did you find?

A. I watched Mrs. Dickerson, and I saw her do that to two apples.

Q. While you were watching her?

A. Yes, sir.

Q. That was in addition to the apples you saw?

A. Yes, sir.

Q. And in addition to the apples you were told about? A. Yes, sir.

(Testimony of Ella Herrerias.)

Q. Now, as you went back up the line, you watched each one to [808] see what they were doing?

A. Yes, sir, I go up and watch each one until I find the one I am looking for.

Q. What did you do when you saw Mrs. Dickerson treating the apples in that manner?

A. Nothing. I just told Mr. Duckworth.

Q. What did you tell Mr. Duckworth?

A. I told him Mrs. Dickerson was making holes in these apples and putting these cores in them.

Q. Did you show him the apples? A. I did.

Q. How many did you show him?

A. At least two.

Q. What did he say?

A. Well, he told me, "Well, you know what to do."

Q. And what did you do after that?

A. I didn't do anything. I said I will just wait one more day, and give her one more day on it, the second day.

Q. All right. Now, was Mrs. Dickerson working behind the trimmer that day?

A. That day, yes, sir.

Q. Was that her regular job? A. No, sir.

Q. What was her regular job?

A. Her regular job was in the seed celler. [809]

Q. Do you recall if it was in the morning or the afternoon that you saw her this first time?

A. I believe it was in the afternoon.

(Testimony of Ella Herrerias.)

Q. How did she happen to be working on the trimmer that day?

A. The first time she went there, a girl came up and told me she wanted to go behind the trim line, and that she would relieve her, and I said that that was all right.

Q. Who was that other girl?

A. I don't remember the other girl.

Q. What was this other girl's job?

A. I believe she was a trimmer, I am not sure.

Q. And it was that girl that told you what?

A. She came up and she said Mrs. Dickerson wanted to trade places with her, said Mrs. Dickerson wanted *to back* on the trim line for a little while, and that she would take her place on the seed celler.

Q. And did you give that permission?

A. I did, it was the first time.

Q. Now, when was the next time that you discovered apples in the same condition as you did the first time you have described it?

A. What day?

Q. Yes.

A. I don't recall the day that she was there, twice though.

Q. Was that the day that she was discharged?

A. Yes, sir.

Q. And was that in the morning or afternoon, do you recall?

A. I believe it was in the afternoon.

Q. Where was Mrs. Dickerson working that

(Testimony of Ella Herrerias.)

afternoon?      A. She was in the trim line.

Q. Had you given her permission to work in the trim line?

A. Not the second day, no, sir.

Q. Tell us how you discovered the apples on that day?

A. I watched them come down in the basket and I asked the inspector to put aside all apples that came down in that condition again, and when I went back she had about—I think she had two or three, and asked her how many there were, and she said they weren't as bad as the first.

Q. Who was the inspector that you were talking about?      A. Virginia Chicano.

Q. What did you do when you found those apples that afternoon?

A. I took the apple and showed Mr. Duckworth and he told me then to let her go.

Q. What did you say?

A. I said, "No, we will wait until the day is over."

Q. And did Mrs. Dickerson finish out her shift?

A. Yes, sir.

Q. And what happened at the end of her shift?

A. When she came out of the shift, I met her and told her [811] she was fired. And she asked me "Why?" And I said, "Because you are making holes in the apples and putting a core in the apple and throwing them down in the water." And she said, "I was only playin'." [812]

\* \* \* \* \*

(Testimony of Ella Herrerias.)

Q. (By Mr. Berke): Mrs. Herrerias, did either Mr. Martini or Mr. Duckworth or anyone else representing Sagu tell you to try to find an excuse to discharge Mrs. Dickerson? A. No, sir.

Q. Were you looking for an excuse?

A. I was not, no, sir.

Q. You recall the date, October 15th, when the reduction to a single shift was announced to the employees at a meeting in the warehouse?

A. Yes, sir.

Q. Were you at this meeting? A. I was.

Q. When was the single shift to go into effect?

A. The following Monday. [813]

Q. What day of the week was it, if you recall, that the meeting took place in the warehouse?

A. October 15th.

Q. Normally, before the reduction to the single shift, how many days a week did the cannery operate? A. Six.

Q. That is Monday through Saturday?

A. Monday through Saturday.

Q. Did the cannery operate on Saturday, October 16th, the day after the reduction was announced? A. No, sir, they did not.

Q. Did you see Erma Bate on October 16th?

A. Yes, sir. She was at my house.

Q. How do you remember that it was that day that you saw her?

A. That was the day we did not work.

Q. And had you seen her all other preceding Saturdays? A. Yes, sir.

(Testimony of Ella Herrerias.)

Q. That is when the cannery was operating?

A. That's right.

Q. You say you saw her at your house?

A. She was there.

Q. What time of day was it?

A. It was before noon, because I was preparing my lunch.

Q. Will you tell us how she got there and what she did? [814] Did you let her in or did she walk in?

A. No, sir, she walked in.

Q. And where did she come through?

A. I was standing in the kitchen, and she walked into my back porch and into the living room.

Q. Walked into your kitchen? A. Yes, sir.

Q. What took place then, will you tell us what was said?

A. Naturally I was surprised to see her there, and I asked her what she wanted. And she said that here was the list that I had asked her for, and I said that I didn't know anything about a list, and don't leave it here, and she said "I don't want it either."

Q. Was there anything more said between you, that you recall?

A. No, I just asked her if she would like a cup of coffee, and she said, "No, she had to leave."

Q. Did she leave? A. Yes, she left.

Q. Did she take the list?

A. No, sir, she left it.

Q. What did you do with it?

A. I left it laying on the table, just where she



(Testimony of Ella Herrerias.)

left it. I didn't know what it was, and I didn't want anything to do with it. She told me it was a list, so I proceeded to look at it. [815]

Q. All right, and then what did you do with it?

A. I just put it on my dining room table and left it there.

Q. And did you later do anything about it?

A. Well, I didn't know what it was, and I got a little bit worried about it, so I called Mr. Duckworth and I asked him.

Q. Did you telephone Mr. Duckworth?

A. Yes, I did.

Q. Where did you call from?

A. From my house to his.

Q. And did you talk with him?           A. I did.

Q. What was said?

A. I told him that this paper was brought to me and I don't know what to do with it.

Q. What did he say?

A. He asked me what it was, and I said that I'd rather not discuss it over the phone, and he said if you can wait, I will be out at the plant Monday, he said that he was going to be home then and if I wanted to come in and bring it to him that I could. And I said to him, "Well, I am coming out that way and I am going out that way, I will stop by and leave it."

Q. And did you later go out to his home?

A. I did.

Q. That same afternoon?

A. That evening. [816]

(Testimony of Ella Herrerias.)

Q. About what time?

A. Between seven and eight—seven thirty and eight.

Q. All right, and what took place there?

A. I walked in and he had company and I saw that he was feeling pretty gay and I stayed for about five minutes, so I just left the paper with him.

Q. Did you discuss it with him at all?

A. No, sir.

\* \* \* \* \*

Q. Did you see those papers again after that?

A. I saw them the following Tuesday, when he brought them back to me.

Q. Where did you see him?

A. Upstairs in the office. [817]

\* \* \* \* \*

Q. (By Mr. Berke): All right. Do you know how he happened to bring the papers to the plant?

A. Yes, I asked him to bring them back to me, because I didn't want them laying around.

Q. Did you discuss the paper with him at all?

A. Never said a word to him.

Q. Were those papers used in determining who was going to be retained and who was not going to be retained for the single shift?

A. Definitely not.

Q. Now, Mrs. Herrerias, did you ask Mrs. Bate to get that list for you?

A. No, sir, I did not. [818]

\* \* \* \* \*

(Testimony of Ella Herrerias.)

Q. Did she give you that list while at work one day?  
A. No, sir.

Q. Did you ever ask Mrs. Bate to go up and work on the slicer to find out about the Union?

A. No, sir, I never did, no, sir. [819]

\* \* \* \* \*

Redirect Examination

Q. (By Mr. Karasick): Mrs. Herrerias, as I understand it, Mrs. Davello told you that this list that you had which is General Counsel's Exhibit 26 was dangerous, was that right? [822]

A. Yes, sir.

Q. When did she tell you that?

A. I think it was the same morning.

Q. The same morning as what?

A. When we was talking on the phone, and then she came over that morning.

Q. I am sorry, I mean it is General Counsel's 32, not 26. When what? What was your answer?

A. That morning. That same day is when she told me.

Q. I see. How did she happen to mention the list?

A. Mrs. Brock had told her that I had it, so then she told me. She started to talk about some list, and I asked her how she knew I had it, and she said Mrs. Brock told her.

Q. It had not occurred to you before that the list was dangerous, had it?  
A. Not at all.

Q. As a matter of fact, I think you have testi-

(Testimony of Ella Herrerias.)

fied——. Actually, the list did not seem of any importance to you at all, did it?

A. No, it did not.

Q. From the moment you got it until the moment you gave it up?

A. That's right, until Mrs. Davello told me.

Q. Oh, then, did it take on a different complexion to you? A. Yes, it did. [823]

Q. And what kind of a complexion?

Mr. Berke: Just a moment, I am going to object to it as irrelevant and immaterial and argumentative.

Trial Examiner: Overruled. You may answer.

A. She told me that that paper was very dangerous because it was detrimental to the company and to myself.

Q. (By Mr. Karasick): And that had not occurred at all before, had it?

A. No, sir, it did not.

Q. Now, it did not seem too unimportant to give to Mr. Duckworth, did it?

A. No, I was just curious and I called him to ask him what to do with it, because I don't want it.

Q. But you did not think it was any good to you, right?

A. It was good to nobody as far as I knew.

Q. And you gave it to Mr. Duckworth because you thought the list would be good for him?

A. No, sir, I didn't think that.

Q. You figured that if he had it he would be able to use it?

(Testimony of Ella Herrerias.)

A. No, I just thought he would want to know about it, and I didn't know whether it was dangerous or not, and I didn't want to have it.

Q. And he did not tell you anything about it?

A. No, sir. [824]

\* \* \* \* \*

Q. Do you remember going to a party of Orlin Chapman that night?

A. That night, yes, sir.

Q. The night of October 16th, the night you say you got the list?

A. That's right.

Q. And do you remember that same night that you said that [838] Louise Chapson had signed a Union card as you knew from a list you had received that day?

A. I did say that, yes.

Q. And you so stated in your affidavit, is that right?

A. That's right. [839]

\* \* \* \* \*

Q. Now, let us get down to this affidavit that you signed and Mr. Mathews asked you to swear to on February 9, 1955, do you remember that?

A. I do. [840]

\* \* \* \* \*

Q. (By Mr. Karasick): You have some concept or idea of what he wanted to talk to you about, didn't you?

A. I thought he was going to talk about the list, that is what I thought he was going to talk about.

\* \* \* \* \*

Q. (By Mr. Karasick): Now, you remember that Mr. Mathews, before you started talking about

(Testimony of Ella Herrerias.)

this case and matters relating to the case and the list and other things, talked to you in general about questions and told you that any question that you did not want to answer, you had a perfect right to tell him so?           A. I don't believe so.

Q. Will you please answer yes or no to that question?

A. I don't recall any of that at all. [842]

\* \* \* \* \*

Q. (By Mr. Karasick): Do you have any difficulty in recalling about your talking to Mr. Martini or Mr. McGuire about it? I will withdraw the question. I will ask you directly, did you talk to Mr. Martini about Mr. Mathews taking an affidavit from you and talking about the case?

A. I don't remember that.

Q. I am talking about any time from February 9, 1955, to the present time? [850]

A. Not to my knowledge.

Q. You haven't talked to Mr. Martini?

A. I don't remember.

Q. You don't remember?

A. I don't remember.

Q. You don't deny that you may have talked to Mr. Martini about it?           A. I don't deny that.

Q. Did you talk to Mr. Caldwell about it?

A. I believe I did, I don't know whether I did or not.

Q. Well, make up your mind, Mrs. Herrerias.

A. I don't remember. I know I spoke to him, I don't know if it was that day or not.

(Testimony of Ella Herrerias.)

Q. What day are you talking about? I merely asked you if you ever talked about the statements of Mr. Mathews.

A. Yes, I talked to Mr. Caldwell, yes, sir.

Q. And when did you talk to him first?

A. I believe it was that same day.

Q. What day?

A. The day I went in there with Mr. McGuire, Mr. McGuire called me in and I told him that I had been talking to Mr. Mathews.

Q. How long was that after you talked to Mr. Mathews that you told Mr. Caldwell and Mr. McGuire?

Mr. Berke: She has already answered that. [851]

Mr. Karasick: I am asking the witness. Is Counsel the witness here?

Mr. Berke: The question is not proper.

Trial Examiner: The question is proper.

A. It was about four days, I don't remember exactly how many days.

Q. (By Mr. Karasick): Well, when you talked to Mr. McGuire, was Mr. Caldwell present?

A. No, sir.

Q. That was at another time?

A. I have never met Mr. Caldwell until now.

Q. Did you talk to Mr. Caldwell by telephone?

A. That's right.

Q. When? A. That day.

Q. From where? A. From the office.

Q. And what did you tell Mr. Caldwell at that time?

(Testimony of Ella Herrerias.)

A. I told him I had seen Mr. Mathews.

Q. What else did you tell him?

A. That's all.

Q. What did he tell you?

A. He asked me how I happened to go, and I told him, and he asked me if I had signed the statement, and I said, "Yes," and he told me that then I should ask for the statement. [852]

Q. Ask for it back? A. That's right.

Q. So that the writing of the letter to Mr. Brown regarding the statement and asking the return of it was the result?

A. He suggested it, but I didn't write it entirely under his suggestion.

Q. Whose suggestion? A. My husband.

Q. Your husband suggested it?

A. That's right.

Q. I see. But it was after you talked to Mr. Caldwell that you wrote the letter, that is the question Mr. Berke is talking about.

A. Quite a while afterward.

Q. How long afterwards?

A. About a couple of weeks, I guess.

Q. Who gave you Mr. Brown's address and name? A. I asked Mr. McGuire for it.

Q. Mr. McGuire? A. Yes, sir.

Q. And he gave you the information?

A. That's right.

Q. And then you wrote, and after that there was a meeting in Mr. Finn's office with Mr. Brown and Mr. Penfield? A. That's right. [853]



(Testimony of Ella Herrerias.)

Q. You were given a copy of your affidavit, at that time, by Mr. Brown, were you not?

A. That's right.

Q. In the presence of Mr. Finn, Mr. Brown and Mr. Penfield you read that affidavit word by word throughout the entire length of that, did you not?

Mr. Berke: Now, just a moment, I will object to that as repetitious.

Trial Examiner: Overruled.

Q. (By Mr. Karasiek): Will you——

A. I did.

Q. And when you finished, you said that on page two where you referred to the fact Mrs. Davello and Louis Mahoney was there at the time that Dickerson was there, but that you were not sure that Davello was there or not?

A. No, sir, I wasn't.

Q. And that was what you said, that you wasn't sure after reading the affidavit?

A. Yes, that's right.

Q. And you also told them that on page 7—6, 7 and 8, that you were not sure that the Union people used the statement as used in your affidavit, or instead that the statement was made by Duckworth rather and other persons there, at the meeting, just before the statement the words "trouble-makers, and agitators" rather in regard to Union people? [854]

A. They didn't use the term.

Q. I am asking you if those are the things you said?

A. I don't remember.

(Testimony of Ella Herrerias.)

Q. Just—— A. I don't remember.

Q. You remember that you read these statements in the affidavit in front of those men?

A. I glanced it over, but I wouldn't deny that I read it.

Q. But you read it over, and you read it completely, did you not? A. I tried to.

Q. And you told them that with regard to the statement, did you not? A. Yes.

Mr. Berke: I object.

Trial Examiner: You may have a continuing objection.

Q. (By Mr. Karasick): And then, when you got all through, you said there were two places that you weren't sure about, one was whether Mrs. Davello was there on the day that you thought you saw Mrs. Dickerson plugging and marking them?

A. That's right.

Q. And the second thing was that you were not sure on that meeting on October 15th in the office, you remember that meeting?

A. Yes, sir. [855]

Q. When you discussed the employees who were to be retained, they used the term "Union people", but you were sure that you heard the words "troublemaker and agitator", is that right?

A. I don't remember that at all.

Q. Do you deny that you made that statement?

A. I don't deny it, I don't know—I don't remember.

Q. Now, do I understand your previous testi-

(Testimony of Ella Herrerias.)

mony to be, Mrs. Herrerias, that there are statements in this affidavit that were suggested to you by anyone?      A. Yes, sir.

Q. What statements were suggested to you by anyone in this affidavit?

A. When it came down to talking about whether I wouldn't say anything to the Union, Mr. Mathews would ask if it was the Union or wasn't the Union.

Q. And you could answer either yes or no?

A. Yes.

Q. And did he put what you said?      A. Yes.

Q. Afterwards, you read it and initialed the changes that he made.

A. I initialed something that he pointed for me, some correction, and I initialed it.

Q. As a matter of fact, one or more of these corrections were made in your own handwriting, didn't you? [856]      A. I did not.

Q. You are certain of that, Mrs. Herrerias?

A. I am pretty sure.

Q. Mrs. Herrerias, I ask you to think carefully, to see if you can recall that on the first page of the affidavit as originally drafted, the statement was made that the layoff was about the middle of November of 1953, under the production of one shift that you were talking about, that after you read that you struck out the word "middle" and inserted the word "week" and initialed it?

A. May I see it?

Q. May the record show that I am showing the affidavit that is handwritten to the witness, and ask

(Testimony of Ella Herrerias.)

you if you don't remember the word "middle" which was stricken and initialed in your own handwriting?      A. I certainly did not.

Q. You deny that that is your handwriting?

A. Definitely. I never had a pen in my hand that night.

Mr. Berke: That is not the question, that the word "week" is there, the question is that it is her handwriting.

your handwriting? [857]      A. That's right.

Mr. Berke: I think if you will recall it, you will agree with me.

Q. (By Mr. Karasick): I will show it to you. Are you also denying that the initials E. H. is not in your handwriting? [857]      A. That's right.

Q. As well as the words Ella Herrerias that is on the margin of that page?      A. That's right.

Mr. Berke: The witness has not denied that, as I understand it.

Trial Examiner: Counsel showed it to me, I don't know that I can draw any conclusion from it, since I am not a handwriting expert. [858]

\* \* \* \* \*

Q. (By Mr. Karasick): Do you recall in the presence of Mr. Finn, Mr. Penfield and Mr. Brown on that occasion, that you told them that your husband had asked that you remain neutral about this matter, is that right?      A. That's right.

Q. And you agreed that you would, but after that you talked to Mr. Duckworth, and Mr. Grami asked you whether you couldn't give your statement

(Testimony of Ella Herrerias.)

to Mr. Mathews at your home, you didn't want your husband to know that you were talking to the Union, do you recall that?      A. No, sir.

Q. Do you deny saying that at that time in front of these three men?

A. I don't remember saying that.

Q. Do you deny saying it?

A. I don't remember.

Q. All right, let us see what else you can or cannot remember about that meeting. Do you remember telling them for that reason, you agreed to go to the Union or talk about going to [859] the Union hall and meeting Mr. Mathews, but that you told your husband that you were going to your friend's house and would be home in approximately an hour?      A. Did I tell you my house—

Q. The question is if you didn't make that statement in front of Mr. Brown, Mr. Finn and Mr. Penfield on March 16, 1955?

A. I believe I did.

Q. Now, do you remember further telling them, at that time, Mrs. Herrerias, that while you were talking to Mr. Mathews you began to be worried that your husband would find out you had lied to him about this?

A. That I told Mr. Mathews that?

Q. No, that you told Mr. Brown, Mr. Finn and Mr. Penfield that on that evening, and that you got worried because of the fact that you had told your husband you were going to a friend's house, and that it took longer than you had figured?

(Testimony of Ella Herrerias.)

A. Something to that effect.

Q. In substance, was that what you said?

A. More or less.

Q. Well, is it more or less?

A. I don't remember the exact words.

Q. Is not that substantially correct?

Mr. Berke: I object to the form of the question in asking is that substantially correct. [860]

Trial Examiner: Did you understand what was meant by substantial? In other words, is that the gist of it, is that correct?      A. Yes, sir.

Q. (By Mr. Karasick): Is that correct, Mrs. Herrerias?      A. Yes, sir.

Q. All right. Now, do you remember also telling them, at that time, and I am talking about March 16th, in front of Mr. Finn, Mr. Brown, Mr. Penfield, do you remember telling these three individuals, at that time, that the reason about your husband's finding out that you were concerned was upsetting to you, and that Mr. Mathews did not act in any improper manner at any time during that interview?

A. Well, it all depends on what you call improper.

Q. I am asking you, Mrs. Herrerias, if you did not make that statement in front of these three men on March 16, 1955, in Mr. Finn's office.

A. He asked me what I meant by acting improper, and I told him it was improper to have sent me there at that time of night.

Q. Let me repeat the question to you, Mrs.

(Testimony of Ella Herrerias.)

Herrerias. I am asking you to affirm or deny under oath, now, whether or not on March 16, 1955, in the office of Attorney Finn, your own attorney, you did not in the presence of Mr. Gerald Brown and Mr. Louis Penfield state in substance and in effect that Mr. Mathews did not act in any improper manner at any time during the interview [861] when that affidavit was taken. I want a yes or no, please.      A. Well—

Mr. Berke: Just answer yes or no if you can, or if you cannot.

A. Well, I will say yes.

Q. (By Mr. Karasick): Now is my understanding correct from your testimony that after Mr. Brown and Mr. Penfield left Mr. Finn's office, you discovered something wrong with this affidavit?

A. I told Mr. Finn that it didn't sound true to me, and I said I don't think this is a true copy.

Q. When did you tell Mr. Finn that, Mrs. Herrerias?      A. When we were alone.

Q. What date?      A. The same evening.

Q. March 16, 1955, is that right?

A. That's right.

Q. Did you tell any representative of the National Labor Relations Board at any time from March 16th to the present date that you had any such doubt at all about the affidavit?

A. Since that meeting?

Q. From that meeting to the present time, have you ever repeated that to any representative of the Board?      A. No, sir. [862]

(Testimony of Ella Herrerias.)

Q. Did you tell the company about it?

A. I did.

Q. Who?                    A. Mr. McGuire.

Q. When?                A. About four days later.

Q. What did you tell him?

A. Pardon me, are you referring to Mr. Finn's visit, now?

Q. I am speaking about any time after the meeting with Mr. Penfield and Mr. Brown, and they had left, after you had said that Mr. Mathews had not been guilty of any improper conduct, you discovered that there was something wrong with the affidavit and so told Mr. Finn?            A. That's right.

Q. All right. Now, you never told anybody from the Board about it, is that right?

A. Now, which Board are you speaking about?

Q. The National Labor Relations Board.

A. I don't believe I saw another National Labor Relations Board man.

Q. Now, after you made your affidavit, you wrote to Mr. Brown and asked him for it?

A. Yes.

Q. And after you read it a second time, you did not write to Mr. Brown, did you? [863]

A. No, I left that up to my attorney.

Q. And did he do it, so far as you know?

A. I don't know.

Q. But you told him to do this?            A. I did.

Q. When?                A. When?

Q. Yes.

A. Are you referring to after the affidavit or—



(Testimony of Ella Herrerias.)

Q. I am referring to any time after the meeting on March 16, 1955, in Mr. Finn's office.

Mr. Berke: Are you referring to the fact, Mr. Karasick?

Mr. Karasick: If Counsel wishes to object, I will wait.

Mr. Berke: Well, I submit the statement is vague and indefinite and unintelligible.

Trial Examiner: Read the question.

(Question read.)

Q. (By Mr. Karasick): Do you understand it?

A. I didn't speak to any National Labor Relations Board man at all.

Q. All right, but you did speak to some company representative or another, didn't you?

Mr. Berke: About what?

Trial Examiner: About the discussion in Mr. Finn's office on March 16th. [864]

Q. (By Mr. Karasick): Let us get at that in this way. Mrs. Herrerias, you claim that under oath here that you told your attorney that there was something wrong with your affidavit, after the representatives of the Labor Board left his office on March 16th, is that right? A. That's right.

Q. What exactly did you tell Mr. Finn?

A. I just told him that this didn't sound like my words and it didn't ring true to me at all.

Q. In what respect did you point out that it was not true?

A. I can't pick any particular thing, I took it as a whole.

(Testimony of Ella Herrerias.)

Q. You mean the whole affidavit seemed wrong to you? A. I said it just didn't ring true.

Q. Well, then, did it ring false?

Mr. Berke: I object to that as argumentative.

Mr. Karasick: Well, what does she mean? Since it didn't ring true, it must have been wrong.

Trial Examiner: Will you explain that, please, about what you mean?

A. Well, the wording in some of the statements, were words that I know I didn't say.

Q. (By Mr. Karasick): Now, do you remember what it was? A. There was some change.

Q. Pardon?

A. The changes, like it quoted a change of the rates. [865]

Q. A change from what, Mrs. Herrerias?

A. Well, like furnishing in some detail at the beginning.

Q. What?

A. Such as some questions that he would ask me that I remember that he didn't include and I don't remember exactly what it was, but I know at the time it just didn't seem true to me.

Trial Examiner: I think, at this time, we will recess until 2:15 p.m.

(Whereupon a recess was taken until 2:15 o'clock p.m.) [886]

#### After Recess

(Whereupon the hearing was resumed, pursuant to the taking of the recess, at 2:15 o'clock p.m.)

(Testimony of Ella Herrerias.)

Trial Examiner Hemingway: The hearing is in order.

Q. (By Mr. Karasick): Mrs. Herrerias, you remember we were last talking about the meeting in your attorney's office, Mr. Finn, on March 16, 1955, between you, Mr. Finn, Regional Director Brown, and Chief Law Officer Penfield of the Labor Board, do you remember it? A. Yes, sir.

Q. Now, with that meeting in mind, do you recall that you told Mr. Finn, Mr. Brown and Mr. Penfield, at that time, that on the night that Mathews wrote this affidavit which you signed, that you never complained to him, to Mathews, at that time, about the amount of time that the interview was taking, do you remember telling them that?

A. No, I don't.

Q. Do you deny that you told them that?

A. I don't deny it, because I don't remember it.

Q. It is true, however, is it not?

A. I don't know.

Q. What I am saying, is that it is true, however, is it not, that on the night of February 9th you did not complain to Mr. Mathews at any time about how much time the interview was taking?

A. Yes, I did, I asked him how long it would take, because I was getting tired.

Q. Well, you didn't make any statement about time, did you?

A. I don't remember if I did or not, but I do know I watched that clock there hour after hour, and I kept watching it, but I don't remember.

(Testimony of Ella Herrerias.)

Q. My question to you, was that you made no statement to Mr. Mathews about the time during the course of that interview?

A. I don't remember.

Mr. Berke: Just a moment, I want to object to the question and move the answer be stricken. It is repetitious in view of the previous answer about complaining to him on one occasion.

Trial Examiner: Well, that was true, I believe, Mr. Karasick.

Mr. Karasick: She said she talked to him on one occasion about being tired.

Trial Examiner: You are talking about a difference between talking and being tired?

Mr. Karasick: That is right.

Trial Examiner: I will let it stand.

Q. (By Mr. Karasick): Now, Mrs. Herrerias, I want your testimony under oath now, as to whether you did or did not——

A. I don't remember.

Mr. Berke: Just a minute, wait until he finishes.

A. I thought he was finished, pardon me.

Mr. Berke: If you can't hear him, say so, but wait until he finishes.

Q. (By Mr. Karasick): I want your testimony under oath here now, Mrs. Herrerias, as to whether you did or whether you did not complain to Mr. Mathews at any time during the interview, when he was taking the affidavit, about the amount of time the interview was taking?

Mr. Berke: Just a moment, I object to his say-

(Testimony of Ella Herrerias.)

ing "I want your testimony under oath now." She has been under oath all the time, and further it is an improper question, and I further object to it as having been asked and answered, and Counsel is engaging in semantics.

Mr. Karasick: I am refreshing her memory.

Trial Examiner: Well, you haven't done it so far.

Q. (By Mr. Karasick): Let me see if I can refresh your memory. Do you remember telling Mr. Penfield, Mr. Brown, and Mr. Finn at the meeting on March 16th of this year that at no time during the interrogation of your affidavit that you complained to Mathews that the interview was taking too long? A. I don't remember.

Q. You do not deny that you made such a statement to these gentlemen?

A. I don't remember making it.

Q. Now, that interview occurred on March 16th of this year, [869] did it not with these three men?

A. I believe it did.

Q. Yet you cannot remember what you told them on that occasion with respect to this matter, is that right?

A. That's right, not that incident, no.

Q. When was it after Mr. Brown and Mr. Penfield left Mr. Finn's office that you first told Mr. Finn that you thought there was something wrong with the affidavit that you had failed to bring out before the three of them?

Mr. Berke: I am going to object to that as twist-

(Testimony of Ella Herrerias.)

ing the evidence, there is no showing that she made any after thought.

Trial Examiner: Well, I don't think that is meant to be technical, you may answer that.

A. Yes, I spoke to him immediately after they left.

Q. (By Mr. Karasick): How long after that?

A. Immediately.

Q. And how long after is immediately? One or two minutes or half an hour?

A. No, as soon as they left the room.

Q. As soon as they left the room?

A. Yes, sir.

Q. Now, why didn't you tell them before they left? A. He didn't ask me to.

Q. Who did not ask you?

A. Mr. Brown just told me to read it. [870]

Q. Who told you to read it?

A. Mr. Brown told me to read it.

Q. Is it your testimony that you were told to read it, and you read it and they left immediately?

A. I told them it wasn't O.K.

Q. And you told them it wasn't O.K.?

A. I told them what the changes were.

Q. And you already, on the record, in your testimony told what those changes were?

A. Yes, that's right.

Q. After those were done, is it your testimony that there was no further discussion and Mr. Brown and Mr. Penfield immediately left?

(Testimony of Ella Herrerias.)

Trial Examiner: Do you understand the question?

A. With Mr. Finn? Do you mean if I had a discussion with Mr. Finn?

Q. (By Mr. Karasick): All right, Mrs. Herrerias, I will give it to you again. You are in Mr. Finn's office with Mr. Brown and Mr. Penfield and Mr. Finn and yourself? A. That's right.

Q. You read the affidavit and you find out some minor particulars in which a change——

Mr. Berke: I am going to object.

Q. (By Mr. Karasick): All right, let me withdraw the question. [871]

You pointed out three particulars in which the affidavit you think is more accurate, is that right?

A. That were more accurate.

Q. You read it over, did you not?

A. Yes, I read it.

Q. At the request of Mr. Finn and Mr. Brown, is that right?

A. At the request of Mr. Brown, yes, sir.

Q. Mr. Finn was there and he agreed didn't he that you should read it?

A. I don't remember if he did or not.

Q. He didn't disagree, did he?

Mr. Berke: I object.

Trial Examiner: Overruled.

Q. (By Mr. Karasick): You read the affidavit, and after you got through reading the affidavit you said there were three minor points that needed to be changed, is not that right?

(Testimony of Ella Herrerias.)

A. I think so, yes.

Q. And other than that, you said the affidavit was correct, did you not?

A. I don't think I said it was correct.

Q. What did you say?

A. I don't remember.

Q. Did you say that it was incorrect in any other respect than the three changes you testified about this morning?

A. Not at that time, no. [872]

Q. And after you got through with that, did Mr. Brown and Mr. Penfield leave the office of Mr. Finn?

A. I don't remember.

Q. You don't remember anything, do you?

A. No.

Mr. Berke: That is not what she testified to.

Trial Examiner: I will let it stand.

Q. (By Mr. Karasiek): But you do remember clearly that as soon as Mr. Penfield and Mr. Brown left you told your attorney that there was something wrong with that affidavit, is that so?

Mr. Berke: Just a moment, asked and answered, and that is going clearly beyond the bounds of re-direct examination.

Trial Examiner: I will sustain the objection.

Q. (By Mr. Karasiek): Is there any reason, Mrs. Herrerias, that you can give us as to why you cannot recall to your mind that there was anything wrong with the affidavit while Mr. Penfield and Mr. Brown were there, but you do remember only after they had immediately left?



(Testimony of Ella Herrerias.)

A. No, none whatever, I just didn't want to mention anything more about it to them. I thought I would speak to my attorney, because he said I was to make any changes that were necessary.

Q. Who said?

A. That was Mr. Brown, that if there was anything, any altering to be done, Mr. Finn would be——

Q. Mr. Brown said what? [873]

Trial Examiner: Read the answer, please.

(Answer read.)

Trial Examiner: I think that it is not as clear as I first understood. I will permit her to finish it.

A. He told Mr. Finn that if there was any altering or any changes to be made that he could do so.

Q. (By Mr. Karasick): Who could?

A. I understood him to say that any changes to be made or altering to be made in that regard.

Q. Before it was made, before the affidavit was made Mr. Brown said that?

A. No, sir, I think it was after, I think.

Q. Now, you pointed out these things that were wrong, did you not?

A. I—some, yes, sir.

Q. Did you withhold anything from them?

Mr. Berke: Just a moment, Mr. Trial Examiner, I think now we are going into a matter which is an imposition and not proper examination, is repetitious, and it clearly goes beyond proper re-direct examination. We were on this a good part

(Testimony of Ella Herrerias.)

of the forenoon and we've started off again. I understood you, Mr. Trial Examiner, to say that you would permit this briefly. Now, this is certainly more than brief.

Mr. Karasick: Mr. Trial Examiner, this is not of my choosing. If the witness answers the questions, I think I can get through with it. [874]

Trial Examiner: Go ahead.

Q. (By Mr. Karasick): Did I understand that you pointed out some of the things in this affidavit you thought were wrong to these three gentlemen on March 16th, but not all of them?

A. That's right.

Q. Why did you withhold some of them?

A. Because I didn't know I was supposed to.

Q. Why did you think they gave you the affidavit to read, Mrs. Herrerias?

A. I don't know.

Q. Why did you have the meeting in Mr. Finn's office with Mr. Brown and Mr. Penfield?

A. Why, at my husband's request.

Q. At your husband's request?

A. That's right.

Q. And what was your husband requesting, do you know?

A. He just didn't want me to be alone.

Q. Didn't you already testify on this stand, Mrs. Herrerias, that you had the meeting at your attorney's office with those gentlemen for the purpose of determining whether there was anything improper in the way this affidavit was taken?

(Testimony of Ella Herrerias.)

A. I looked——

Mr. Berke: Just a moment, I am going to object, now, Mr. Trial Examiner, I think the bounds of reasonableness have [875] been exceeded, and I submit that the examination is improper.

Trial Examiner: I am going to permit this, I think it is down pretty close to the conclusion, now.

Q. (By Mr. Karasick): I agree with that, Mr. Examiner. Will you answer the question, please?

A. I left that entirely up to my attorney.

\* \* \* \* \*

Q. (By Mr. Karasick): You are not saying now, are you, that because she was behind the line on the second day was one of the reasons for her discharge? A. Not particularly, no.

Q. What do you mean “not particularly”? Either it was or it was not?

A. No, it was not. [876]

Mr. Karasick: That is all.

#### Recross Examination

Q. (By Mr. Berke): Mrs. Herrerias, on the night that Mr. Mathews took your affidavit, did he at any time tell you that you did not have to sign it?

A. I don't recall him ever telling me that, no, sir.

Q. Now, Mr. Karasick asked on redirect examination about a statement that you alleged to have made that Mr. Mathews did not act in an improper way. Did you understand what was meant by improper? \* \* \* \* \*

(Testimony of Ella Herrerias.)

A. Having been alone in there with him, alone with a man I had never met before.

Q. (By Mr. Berke): Is that what you understood? A. That's what I meant. [877]

Q. By the use of improper?

A. That's what I meant.

Q. Now, on the evening of Mrs. Dickerson's discharge, did she deny plugging or decorating the apples when you told her why she was being discharged? A. No, sir, she did not.

Mr. Berke: May I have this marked?

(Thereupon the document above referred to was marked Respondent's Exhibit No. 6 for identification.)

Q. (By Mr. Berke): I show you a document consisting of 4 pages which have been marked as Respondent's Exhibit 6 and ask you if that is in your handwriting? A. That is.

Q. This purports to be—what is it?

A. That is a report on the night that I went—

Q. Is that a report of what—all right, go ahead.

A. That is a letter requesting the return of my statement that I made to Mr. Mathews.

Q. That is addressed to Mr. Gerald A. Brown, Regional Director for the National Labor Relations Board, 630 Sansome St., San Francisco.

I notice it is dated February 18, 1955. Was that letter written on that date? A. It was. [878]

Q. Now, tell us whether or not this is—will you look it over carefully—an exact copy of the letter

(Testimony of Ella Herrerias.)

that you testified you sent to Mr. Brown on that date?

\* \* \* \* \*

A. It is.

Q. (By Mr. Berke): Did you make it the same day you wrote the original?

A. Word for word, and I made the two at the same time.

Mr. Berke: I offer Respondent's Exhibit 6 in evidence. I will ask leave to withdraw it and make photostatic copies of it. [879]

\* \* \* \* \*

Q. (By Trial Examiner): Had you completely finished the draft of the letter you wrote to Mr. Brown before you copied it on this Respondent's Exhibit 6?

A. I finished the other first, then I copied this one.

Q. Did you have anyone assist you in reading it to check one against the other.

A. No, sir, that's what I did.

Q. After you finished copying, did you make any effort to go back and check again to see whether or not you had copied it accurately?

A. I believe I did, yes, sir. [880]

\* \* \* \* \*

Trial Examiner: Respondent's Exhibit 6 is received in [882] evidence subject to duplication of copy, of course. [883]

\* \* \* \* \*

(Testimony of Ella Herrerias.)

Q. (By Trial Examiner): Let me ask you a few questions about it then.

Will you please describe for me this weekly list that you say you used when you made up a list of the girls that were going to be retained or laid off on October 15th?

A. It is a list—a typewritten list that is made in the office—it is upstairs—of the girls. The weekly list of the girls that work that shift. [887]

Q. During that week?

A. That week, and if there are no changes, I continue using the same list.

Q. I see. That is not a list that you check attendance on? A. No, sir.

Q. That is just a list to show who is employed at the time? A. That's right, alphabetically.

Q. Now, how was it that you were asked to get this list of names for the layoff, were you to check the names of those who were to be laid off, or were you to check the names of those to be retained?

A. If I remember, I think I checked off the girls that were to be laid off. I believe that's the way I done it, and I used the same list.

Q. Now, did you turn that over to somebody or did you retain that list?

A. I turned that back into the office.

Q. Do you know who got possession of it then?

A. No, sir, I don't.

Q. Do you know whether or not the people on your shift who were actually laid off were the same ones who were checked off on your list?

(Testimony of Ella Herrerias.)

A. So far as I know.

Q. That is, did you notice any difference?

A. I did not. [888]

\* \* \* \* \*

FRANK UNCIANO

a witness called by and on behalf of the General Counsel, National Labor Relations Board, being first duly sworn, was examined and testified as follows: [890]

\* \* \* \* \*

Direct Examination

Q. (By Mr. Karasick): Mr. Unciano, you worked for Sebastopol Apple Growers Union at one time, did you not? A. Yes, I did.

Q. Did you begin working there in 1951?

A. Yes, sir.

Q. And then, that job lasted how long?

A. For 2 years and a half, I think.

Q. 1953 some time? A. That's right.

Q. What was your job there, doing what?

A. Oh, I was maintenance.

Q. Maintenance? A. Yes.

Q. Then, what did you do, did you quit or were you fired or what? A. Well, I got fired. [891]

Q. Then, did you go back and go to work there again?

A. Last year, 1954, that was in August some time.

Q. When you say you were fired, was it a lay-off in 1953? A. No, sir, he just fired me.

Q. I see. In 1954, you came back to work for the

(Testimony of Frank Unciano.)

company again? A. That's right.

Q. And your job then was what?

A. The same that I had before.

Q. Maintenance? A. Yes, sir.

Q. Were you laid off in the reduction to one shift on October 15, 1954? A. Yes, sir.

Q. Now, do you know Leonard Duckworth?

A. Yes, I know him pretty well.

Q. What was his job at the cannery in 1954?

A. He was the superintendent, I think.

Q. Do you remember any time during 1954 that Mr. Duckworth talked to you about the Sebastopol Cooperative Cannery? A. Yes, I do.

Q. When was that, when did that happen?

A. That was outside the cannery.

Q. Yes, I mean when did it happen?

A. Well, it was in the daytime. [892]

Q. About how long before the layoff of October 15th? A. I think it was about three weeks.

Q. About three weeks? A. Yes.

Q. You say it was outside the cannery?

A. Yes.

Q. Was there anyone else present?

A. No, sir.

Q. Will you tell us on that occasion what Mr. Duckworth said to you about that?

A. Well, I happened to ask him why they were sending off the apples to the Coop.

Q. And that is another cannery?

A. Yes, and he told me he was trying to finish all the apples as fast as they could, because they



(Testimony of Frank Unciano.)

were afraid the Union was going to get in there, and they didn't—they were trying to organize the Union in the cannery.

Mr. Berke: I am sorry, would you read me the answer?

(Answer read.)

Q. (By Mr. Karasick): Now, did he tell you they were trying to organize the Union in the cannery where?           A. At Molino.

Q. Molino?           A. Yes, sir.

Q. Is the Coop Cannery also known as the [893] Sebastopol Apple Growers—           A. Well—

Q. Just a moment, as the Sebastopol Cooperative Cannery?           A. That's the name of it.

Q. That is another cannery apart from Molino?

A. That is a part of the Growers Union, but that is a different cannery.

Q. Do you recall anything else Mr. Duckworth said to you at that time?

A. Well, he told me like this, he says he don't want to do business with the Unions, he don't want to sign or whatever happen, that's all he told me.

\* \* \* \* \*

Trial Examiner: I would like to ask Mr. Unciano, did you ever sign one of those pledge cards for the Union?

A. No, sir.

\* \* \* \* \*

PAULINE PLOXA

a witness called by and on behalf of the General Counsel, National Labor Relations Board, being first duly sworn, was examined and testified as follows: [907]

\* \* \* \* \*

Direct Examination \* \* \* \* \*

Q. (By Mr. Karasick): After you came to work there, did you have any conversation with Mrs. Herrerias about the Union?      A. Yes, sir.

Q. How long after you came to work there?

A. Two or three weeks after I came there.

Q. Where did that conversation take place?

A. By telephone.

Q. Did you call her or did she call you?

A. I called her.

Q. Why did you call her?

A. I called her to ask her about these Union activities at the cannery.

Q. Will you tell us what was said at that time?

A. Well, I wanted to be sure that there wasn't going to be any trouble up there between the workers and the cannery or the Union, and all that mixup.

Q. Is this why you called her on the phone?

A. I asked her if she thought there was going to be any trouble up there.

Q. And what reply, if any, did she make?

A. She said that there was going to be no trouble, she said, "Mr. Martini has got everything under control," and I said, [909] "Was it safe for me to report that to Dora Rawles to report to work,"

(Testimony of Pauline Ploxa.)

and she said "Yes," so I said to her—well, where was I—well, we were still talking about this Union and so on, and I said the Union is going to have trouble, and she said, "Don't worry, Mr. Martini has got everything under control, and he is going to have the sheriff up there——"

Mr. Berke: I move to strike that last statement.

Trial Examiner: Strike that.

Q. (By Mr. Karasiek): Try to give us, as well as you can recall, the conversation that went on between the two of you.

A. Talking about the Union, I wanted to be sure that we weren't going to be in trouble over there with our cars. I was worried about that too. And she assured me that there would be no trouble, because Martini had everything under control, and I talked to her about the picket line, and she said, "Don't be afraid, Martini is going to get the sheriff from Santa Rosa and have everything under control," and then she said, "It will be best for you girls to keep away from the Union meeting, because Mr. Martini is going to shut the place down if you go to those meetings."

Q. All right. After you came to work there, did you have any conversation with Mr. Martini about how long the work would last?           A. Yes, sir.

Q. Once, or more than once?

A. Twice. [910]

Q. Do you remember when the first of these conversations occurred?

A. About three weeks after I had been there.

(Testimony of Pauline Ploxa.)

Q. Where did it take place?

A. Up on the table of the slicing machine.

Q. During working hours?

A. During working hours.

Q. Was anybody else present at that time?

A. Dora Rawles was present and the other women.

Q. Who was immediately present?

A. Dora Rawles, Mr. Martini and me.

Q. Now, do you recall on that occasion what Mr. Martini said about that?

A. I asked him how long the night shift would last, and he said way into December.

Q. You say there was other conversations with Mr. Martini about the same subject later?

A. Well, yes, sir.

Q. How much later?

A. A week before the layoff.

Q. And the layoff?

A. The layoff was October 15th.

Q. I see. Where were you at that time?

A. Again at the table, I was working on the slicing machine.

Q. Were the same or different persons present on that occasion? [911]

A. The same, Dora and me.

Q. Will you tell us now, if you can recall, what you said and what Mr. Martini said on that occasion?

A. Well, since I wanted to know how long the night shift would work, I again asked him, and he

(Testimony of Pauline Ploxa.)

again reassured me way into December, he said.

Q. Now, other than this telephone call, which you have already related, did you have any further conversation, or did Mrs. Herrerias talk to you out there at any other time about the Union?

A. Yes, sir.

Q. When was that?

A. That was on a Tuesday night.

Q. Do you remember the date?

A. It was Tuesday night at 10:00 p.m., October 12, 1954.

Q. Now, where were you, at the time?

A. I was on the slicing machine.

Q. And anyone else immediately present?

A. Dora was there to my left.

Q. Was this conversation in English?

A. This was in Spanish.

Q. Do you speak and understand Spanish?

A. I speak Spanish.

Q. Does Mrs. Herrerias speak and understand Spanish? [912]

A. She speaks Spanish.

Q. To your knowledge, was there anyone else present who either spoke or understood Spanish?

A. No, sir.

Q. Now, will you tell us, to the best of your recollection, what you said and what Mrs. Herrerias said on that occasion?

A. Ella came up to me at ten o'clock in time, I was watching the clock up there. It was right there, so I always watched the clock up there and she asked me, she said, "Pauline, will you go to

(Testimony of Pauline Ploxa.)

the Union meeting for me as a friend, and because we both speak Spanish, and tell me who from here will be there?" So I said "Why, what are you going to do if I tell you?" And she said, "I want to get their names at least, and give them to Mr. Martini so he can fire them," and I said, "I don't know all these people, what their names are, and I have only been here a little while," and she said, "Well then, you go and take notice of who is there and come back and point them out to me."

Trial Examiner: Would you please read that answer back?

(Answer read.)

Q. (By Mr. Karasick): Now, was that the extent of the conversation at that time, Mrs. Ploxa?

A. Yes, sir.

Q. Did you indicate to Mrs. Herrerias then, whether you would or would not do this? [913]

A. I didn't say anything to her, no, sir.

Q. Now, the next day, was there a Union meeting?

A. The next day, Wednesday, October 13th, there was a Union meeting.

Q. Did you go?

A. I went to the Union meeting.

Q. When was it held for the night shift?

A. At 1:30 in the afternoon.

Q. And after the meeting was over, where did you go?

A. I went home, and then went back to work.

Q. And you punched in at what time?

(Testimony of Pauline Ploxa.)

A. I punched in at 4:00 o'clock that day.

Q. After you came to work and punched in, did Ella Herrerias come and talk to you?

A. She came up to me where I was——

Q. And where were you at the time?

A. I was on the slicing machine.

Q. And was anyone else present?

A. Dora Rawles and the other women.

Q. Was this conversation in English or in Spanish?

A. Well, in Spanish she said, "Come down to the bathroom."

Q. In Spanish?

A. In Spanish. In English, she said "Go to the bathroom."

Q. Did you go?

A. No, sir. I didn't want to go. [914]

Q. Did she speak to you about it later?

A. She left, and about fifteen minutes later, she walked up again and she said to me, "Go to the bathroom, I want to see you," and I said, "I don't want to go down there. We are too flooded up here," and she said, "Let Dora take over," and I said, "I will be there at 4:30."

Q. Did you go down to the bathroom, or ladies' washroom at 4:30?

A. At 4:30, I went there.

Q. Was she there when you got there?

A. Yes, sir.

Q. Did she have a conversation with you?

A. She did.

(Testimony of Pauline Ploxa.)

Q. Was it in English or Spanish?

A. Spanish.

Q. All of the conversation, both of you spoke Spanish? A. Yes, sir.

Q. Now, were other people present, at that time?

A. No, sir.

Q. Were any people in or out of the washroom during the course of the conversation?

A. I don't remember.

Q. So far as you know, did you see any employee in the washroom with you during the course of the conversation, that spoke or understood Spanish, to your knowledge? [915]

A. So far as I know, no, sir.

Q. All right, will you tell us what Mrs. Herrierias said, and what you said on that occasion?

A. Well, Ella followed me right in, and she stood there, and said, "Now, tell me who was at the Union meeting," and I said, "Well, I can't tell you." I told her I didn't know the women. She said, "There were women there?" and I said, "Yes, from the other cannery. She still insisted for me to tell her, you know, if there were some women from here, and I said I don't know, I tell you I don't know. She trots over to the door and opens it——"

Q. Now the door?

A. The door, from where I was standing, it leads out to the floor. The bathroom faces the floor and the women are working there on the belt, you know, sorting.



(Testimony of Pauline Ploxa.)

Q. Could you see the women from the door?

A. I could see a bunch of women there standing sorting. And I turned my back on Ella, and she turned around and she looked me right in the eye, and I hesitated for a moment, and she had the door open, I looked up way over there in the corner, where the peeler machines are, and I see Clara Davello, and I said to her, "She was there, that lady there," and Ella says, "Oh, I don't worry about her, she hates the Union." Along came this little Mary Chapita—

Q. And was that the word you used to describe her on that occasion? [916]

A. Yes, sir.

Q. All right, now, tell us about Mary Chapita.

A. Mary Chapita walked by—maybe to talk to someone, and I told her she was there.

Q. What did you tell her?

A. I don't know Mary Chapita.

Q. And.

A. She said, "Oh, that's all I want to know, what others from here?" And then I remembered that Charlie Ciolino had said the buttons—

Q. Charlie Ciolino was a what?

A. He was a Union man.

Q. And you had seen him at the meeting?

A. I seen him at the meeting, he said that the next day that they were going to be men up there to give buttons to the employees.

Q. All right, what did you say to her?

A. I told her, "Well, you know this man is coming out to the plant to give out the buttons."

(Testimony of Pauline Ploxa.)

Q. And did she reply?

A. Well, that satisfied her. She patted me.

Mr. Berke: I move that that be stricken.

Trial Examiner: Don't say what her thoughts were in the matter. [917]

A. She said, "For that, you will have a job with the company."

Q. She patted your shoulder?

Mr. Berke: Now, wait a minute, I have a motion here as to that previous answer as to satisfied.

Trial Examiner: As to her being satisfied, that may go out.

Q. (By Mr. Karasick): Now, will you tell the Examiner what she did and said after that?

A. She patted me (indicating) and she said, "      

Q. She patted you with her hand in the position you were indicating, is that right?      A. Yes, sir.

Q. And what did she say to you?

A. Well, she said, "Don't you worry about it, you and Dora will have a job with the company."

\* \* \* \* \*

Q. All right. Now, on October 15, 1954, did you punch in ready to go to work that night?

A. Yes, sir.

Q. Were you ready and willing and able to go to work that night?      A. Yes, sir.

Q. Did somebody tell you they were going to have a meeting in the warehouse?

A. Yes, sir. [921]

\* \* \* \* \*

(Testimony of Pauline Ploxa.)

Q. Now, after the meeting was over, did you have a conversation with Martini?

A. I did, outside the warehouse.

Q. Outside the warehouse? A. Yes.

Q. Who else was present?

A. Dora and Ida Fishelson.

Q. She is another employee?

A. She is another employee.

Q. So far as you can recall, what conversation occurred on that occasion?

A. Well, I told Mr. Martini that my name was on the list, but I couldn't—I wouldn't be able to work because I have the kids. [923]

Q. Why couldn't you work because you had the children?

A. Because I had no one to look after them in the daytime, at night my husband looked after them.

Q. Your husband works in the daytime, and when you worked at night, he took care of them?

A. That is true.

Q. All right, will you go on?

A. He said, "Then, I will see you next year," and he said that there was no room in the warehouse. When he said that, Ida Fishelson said that she had a warehouse at Santa Rosa that he could rent, and he said there is more to it than that.

Q. Do you recall now anything else that was said in that conversation?

A. Well, Dora Rawles said did we have to work that night, and he said it was up to us, and he said I would work if I were you, since you are already here.

(Testimony of Pauline Ploxa.)

Q. Did you work? A. I did not work.

Q. Did Dora Rawles work?

A. She did not work.

Q. Do you recall whether, at any time during the meeting or in the conversation with Mr. Martini, if anything else was said and what you related?

A. Well, one day when I was there, I saw a truck getting boxes of apples, and I told—— [924]

Q. I am not interested in that. Do you recall whether there was any mention of the word “caps”?

Mr. Berke: I object to that as leading and suggestive.

Trial Examiner: Overruled.

Q. (By Mr. Karasick): Was the word “caps” mentioned? A. Yes, sir.

Q. Tell us as well as you can recall, what was said about that and by whom, if you can?

A. Well, the other fellow said——

Q. Was this in the meeting?

A. Yes, those of you who have aprons and caps that belong to the company, turn them in when the night shift work is over. [925]

\* \* \* \* \*

#### Cross Examination

Q. (By Mr. Berke): Did you sign that application? A. Yes, sir.

Q. Do you know whether the cannery is operating fully? A. I beg your pardon?

Q. Do you know whether the cannery is in full operation? A. No, sir.

Q. Now, as I understand it, at this meeting on

(Testimony of Pauline Ploxa.)

October 15th, in the warehouse, that was shortly after you came to work on the night shift? [927]

A. Yes, sir.

Q. And both day and night shifts were present, was that right, Mrs. Ploxa? A. Yes, sir.

Q. And did I understand you to say one of the men, you don't know who, that spoke at the meeting and said, "Those of you who have caps and aprons to turn them in when the night shift was over"? A. Yes, sir.

Q. That is your recollection of what was said?

A. That's right.

Q. Now, after that meeting, you and Dora Rawles and somebody else talked with Mr. Martini?

A. Yes, sir.

Q. And you explained why you couldn't work on that shift? A. Yes, sir.

Q. And then you wanted to know whether you ought to finish out the night shift, is that right?

A. Yes, sir.

Q. And Mr. Martini said to you that he would if he were you because you were already there?

A. Yes, sir.

Q. And did you finish out the night?

A. No, sir.

Q. Did Dora Rawles finish? [928]

A. No, sir.

Q. You both went home then?

A. We both went home.

Q. And now, you first went to work for the company on September 13, 1954?

(Testimony of Pauline Ploxa.)

A. Yes, sir. A Monday.

Q. Monday night? A. Monday night.

Q. On September 13th?

A. On September 13th.

Q. And as I understand it, you signed a pledge card on September 3rd? A. Yes, sir.

Q. That was 10 days before you went to work?

A. Yes, sir.

Q. Where did that take place?

A. The signing of the card?

Q. Yes. A. At the Labor Temple.

Q. I see. Did you know Mr. Grami before you went to work out at Sagu?

A. Yes, I had attended a Union meeting.

Q. You had gone to Union meetings before you went to work at Sagu? A. Yes, sir. [929]

Q. Had you worked in a cannery before in this area? A. Yes, sir.

Q. During 1954? A. Yes, sir.

Q. What cannery?

Mr. Karasick: Objection, as being immaterial and irrelevant.

Trial Examiner: I will permit it.

Q. (By Mr. Berke): What cannery?

A. The Cooperative.

Q. Sebastopol Cooperative? A. Yes, sir.

Q. When was it that you started working, in 1954?

Mr. Karasick: Objection, it is immaterial and irrelevant.

(Testimony of Pauline Ploxa.)

A. It was in the month of July, but I don't know the date.

Q. About the time that cannery opened for that season?      A. Yes, sir.

Q. And you worked there until when?

A. Until September 10th.

Q. And did you notify them that you were leaving.

Mr. Karasick: Objection.

Trial Examiner: Overruled.

A. Pardon me?

Q. (By Mr. Berke): Did you notify Sebastopol Cooperative that you were leaving? [930]

A. We didn't have to leave, we were laid off.

Q. Were you laid off or did you quit on the 10th?

A. We were laid off on the 10th of September, sir.

Q. For how long were you laid off?

Mr. Karasick: Objection.

Trial Examiner: Overruled.

A. For the night shift. The night shift was over, it was finished.

Q. The night shift was finished on September 10th?      A. Yes, sir.

Q. What was your job over there?

A. Trimmer.

Q. And did they make apple sauce in that cannery too?      A. Yes, sir. [931]

\* \* \* \* \*

Q. (By Mr. Berke): How did you happen to go to Sagu for a job?

(Testimony of Pauline Ploxa.)

A. Because the night work ended so far as I was concerned, and I wanted to make more money.

\* \* \* \* \*

Q. Did you know Mr. Martini before you went to work at Sagu?      A. No, sir.

Q. You did know Mr. Grami, however?

A. I had seen him, but I didn't know him personally. [934]

\* \* \* \* \*

Q. (By Mr. Berke): Mrs. Ploxa, when you applied for a job at Sagu, where did you go at that time?

A. That very night when we were laid off at the Cooperative, we just started out to Molino, the Sagu, which I know as Molino.

Q. You know Sagu also as Molino?

A. Yes, sir.

Q. Now, you say, "We." Who is "We"?

A. Dora Rawles and me.

Q. Where did you go when you got there?

A. To the plant.

Q. Where in the plant?

A. Where they were working.

Q. Who did you talk to, if anybody, there?

A. I talked to Ella.

Q. How did you know to talk to her?

A. I asked the girls who the floorlady was, and they pointed her out to me.

Q. And did you ask Mrs. Herrerias if there was an opening for you? Was that your conversation with her?



(Testimony of Pauline Ploxa.)

A. When I saw Mrs. Herrerias, I became curious and asked her if she was Spanish, and she said, "Yes," so then we began [935] speaking Spanish. I said——

(Witness commences discourse in Spanish.)

Q. Pardon me, just tell us in English what you said and what she said.

A. Well, I asked her if she had work for us there, that the Cooperative was through with the night shift, so she said, well yes, maybe she would have work there on the following Monday. So in Spanish, we talked on, and I asked her where she was from and we come from the same town, and then I wanted to make sure that we would work there, so I said "Well, now I will have someone to talk to in Spanish," because up to this time I had not had anyone to talk Spanish with. So I said that we would see her and we left.

Q. And did you come back the following week?

A. I came back Saturday, the next day.

Q. Yes?

A. Dora and I came the next day, and there was no one working. There were two men there at the shed who said they worked 12 to 5 on Saturdays. Came back on Monday, which was the 13th, so Ella was putting women on.

Q. Ella hired you then?           A. Yes, sir.

Q. And Mrs. Rawles too?           A. Yes, sir.

Q. Now, did you ask as a favor from Ella, as to how long you [936] could expect to work if you went to work there?           A. No, sir.

(Testimony of Pauline Ploxa.)

Q. You were not concerned about how long the cannery was going to operate, is that it?

A. Yes, sir, I was.

Q. Even though you were concerned, you did not ask Ella about that?

A. Not that night, I didn't.

Q. Now, you worked on the night shift all the time that you worked there last season?

A. Yes, sir.

Q. And Ella was your floor lady up until the time they went over to the single shift, is that right?

A. Yes, sir.

Q. Did you and some other worker get into an argument while you were working there?

A. Yes, sir.

Q. Who was the other person?

A. I don't know her name.

Q. Did you slap that other person?

A. Yes, sir.

Q. And did Ella have to separate you and that other woman?

A. No, sir.

Q. You separated yourselves? [937]

\* \* \* \* \*

A. Separated myself from the girl. There was no need of separating. I just slapped her once and slapped her twice.

Q. (By Mr. Berke): I see. You slapped her?

A. I did this (indicating).

Mr. Berke: Let the record show that the witness demonstrated with the open palm on both cheeks.

(Testimony of Pauline Ploxa.)

Q. (By Mr. Berke): And did Ella talk to you about that?           A. No, sir.

Q. Did she reprimand you for that?

A. No, sir.

Q. She approved of what you did?

A. She didn't say one way or the other. [938]

Q. Now, on Tuesday night of October 12, at 10:00 p.m., when you were watching the clock, is that when Ella came up to you and talked to you in Spanish?           A. Yes, sir.

Q. And I think you said something about you were watching the clock?           A. Yes.

Q. Why were you watching the clock?

A. I always watch the clock; I watch the clock while I am working.

Q. Did you watch the clock continuously?

A. Continuously. I would be watching the clock and working.

\* \* \* \* \*

Q. (By Mr. Berke): Now, you called Ella about two or three weeks after going to work, to talk to her about the union at the cannery, you said before? [939]           A. Yes, sir.

Q. You said something about you wanted to be sure about something; what did you want to be sure about?

A. Well, I wanted to be sure that there wasn't going to be any trouble up there. It was common talk that Mr. Martini was mad, and he didn't want the union in.

Q. I see. And you expected trouble, did you?

(Testimony of Pauline Ploxa.)

A. Well, certainly.

Q. And Ella told you there wasn't going to be any trouble; is that right? A. Yes, sir.

Q. And you mentioned something to her about a picket line? A. Yes, sir.

Q. Was there common talk about there being a picket line? A. No.

Q. How did you happen to hear about that?

A. I had read in the paper about picket lines.

Q. You read in the paper about picket lines, and did you expect a picket line at Molino, as you called it?

A. No, I didn't expect it; no, sir.

Q. But even though you didn't expect it, you asked Ella about what would happen if there was a picket line? A. Yes.

Q. And you were worried about what, if there was a picket line? [940]

A. I was worried about myself, and my car; I thought maybe there would be trouble.

Q. In what way did you think there would be trouble about yourself and your car?

Mr. Karasick: Is that what you meant?

The Witness: Yes, sir.

Q. (By Mr. Berke): In what way did you think there would be trouble with you and your car?

A. Well, Clara Davello had said that sometimes when union and these establishments could not get together, that the people against the union would upset the cars.

Q. I see.

(Testimony of Pauline Ploxa.)

A. So I called Ella up and asked her about the picket line, and if she knew anything about it.

Q. What did she say?

A. She seemed to be sure of one thing, that Martini had everything under control.

Q. And if there was any violence like that she would have the Sheriff's office to see about it?

A. Yes, sir. [941]

\* \* \* \* \*

Q. (By Mr. Berke): Now, when was the first time you asked about how long your job was going to last at Sagu?

A. I had been there about three weeks, and I asked Mr. Martini, and he said, "Way into December."

Q. That was after you had been on the job three weeks, from the 10th?

A. Approximately.

Q. Some time in October, was it?

A. It was in October some time.

Q. And then when was the next time you asked?

A. The week before October 13th union meeting.

Q. Where did that take place?

A. There on the table. Mr. Martini came up and talked with me; I asked him then.

Q. You say a week before the union meeting?

A. Approximately; I don't know the date.

Q. What union meeting are you talking about?

A. The union meeting on October 13th; that was on a Wednesday.

(Testimony of Pauline Ploxa.)

Q. Was that a meeting you attended somewhere outside the plant?

A. Of course, sir, right here in the Labor Temple.

Q. Here in Santa Rosa?      A. Yes, sir.

Q. Well, after Mr. Martini had told you the first time that there was going to be work for you way into December, why did you, a week later, again ask him about it?

A. Because it was common talk that Mr. Martini was going to shut the place down if the union came in.

Q. Mr. Martini never told you that he was going to shut the place down, did he?

A. No, sir.

Q. You did not ever give Ella Herrerias a list of people who went to the Union meeting, did you?

A. No, sir. [943]

\* \* \* \* \*

#### DORA RAWLES

a witness called by and on behalf of the General Counsel, National Labor Relations Board, being first duly sworn, was examined and testified as follows:

\* \* \* \* \*

#### Direct Examination

Q. (By Mr. Karasick): Mrs. Rawles, have you ever worked for the Sebastopol Apple Growers Union?      A. Last year was the first time.

Q. And do you remember the date or the approximate date that you worked there?

(Testimony of Dora Rawles.)

A. I started September 13th.

Q. What job did you have?

A. I trimmed, and then I worked on the slicing machine.

Q. What shift?           A. Night shift. [951]

Q. Who was your floor lady?

A. Ella Herrerias.

Q. Did you sign a pledge or authorization card, Mrs. Rawles?           A. Yes, I did.

Q. Do you remember when you signed it?

A. I don't remember the date.

Q. Will you give us the approximate time, or the time to the best of your recollection?

A. Well, I'd say the last of September.

Q. Mrs. Rawles, I hand you General Counsel's Exhibit 28, and ask you, with the exception of the portion which is in ink on that card, was the card you signed the same?           A. It was.

Q. While you worked at the company last year, did you have or were you present at any conversations with Mr. Martini, at which the length of time the night shift would work that season was discussed?           A. Yes, I was.

Q. Was there one conversation or more than one conversation?

A. There was two different times.

Q. Directing your attention to the first of these conversations, about when did it occur?

A. Well, the last two weeks of work.

Q. Where were you at the time?

(Testimony of Dora Rawles.)

A. When we were working on the slicing machine, Pauline Ploxa [952] and I.

Q. You are a friend of Pauline Ploxa?

A. Yes, sir.

Q. You have been for a long time?

A. Yes.

Q. You worked together at the plant out there?

A. Yes.

Q. Did you have the same jobs while you were out there last year?           A. We did.

Q. At this first conversation, where were you, in the plant?           A. Yes.

Q. At work?           A. Yes.

Q. Do you remember what you were doing at the time? What sort of job you were doing?

A. We were working on the slicing machine.

Q. Now, was anybody else present besides yourself and Pauline Ploxa?

A. Well, there was other girls down from us.

Q. But any who were immediately connected with or could overhear the conversation that you know of?           A. No, sir.

Q. Now, to the best of your recollection, Mrs. Rawles, what was said on that occasion and by whom? [953]

A. Well, Pauline Ploxa asked him about how much longer we would have to work the night shift, and Mr. Martini said we will be working till December.

Q. Now, there was a second such conversation you say?           A. Yes, sir.



(Testimony of Dora Rawles.)

Q. When did that conversation occur in relation to the first?

A. That was the following week.

Q. And where were you at the time?

A. At the same place.

Q. Were the same or different persons present?

A. The same.

Q. To the best of your recollection now, will you state what was said and by whom on that occasion?

A. Well, Pauline again asked him about the work, how long the night shift would be working, and he says, "Don't worry, you will be working until December," like that.

Q. Now, had you talked to Pauline about this matter of the length of time the season would last before you talked to Mr. Martini?

A. We had, yes.

Q. Were you interested in the length of time the season would last?

A. Well, I was anxious to work, I wanted to work as long as I could. [954]

\* \* \* \* \*

Q. (By Mr. Karasick): All right, did you ever receive a Union button while you were working at the plant?      A. Yes, I did.

Q. Do you remember when you got it?

A. It was the last of September, to my recollection.

Q. Do you remember when the layoff at the plant occurred?      A. The 15th of October.

Q. How—was it before or after the layoff you

(Testimony of Dora Rawles.)

got the button? A. It was before.

Q. How long before?

A. It was the 14th of October.

Q. You were mistaken when you said September?  
A. I was. [955]

\* \* \* \* \*

Q. (By Mr. Karasick): Thank you. Now, after you came to work on the night of October 14th, did Ella Herrerias speak to you about the buttons?

A. Yes, she did.

Q. Now, where were you at the time?

A. We were up working on the slicing machine.

Q. And when you say "we" who do you mean?

A. Pauline Ploxa and myself.

Q. And you worked next to each other? [958]

A. Yes.

Q. I see, and was that true throughout the time you worked there? A. Yes, it was.

Q. Was anyone else present besides the three of you then?

A. Well, like I said before, there was girls working down from us, but not close.

Q. Well, as far as you know, was there anyone present or near you who could hear the conversation? A. No, there was not.

Q. To the best of your recollection now, will you tell us what was said and who said it?

A. Well, Ella came up to where we were working, and said, "Where is your buttons girls." like that, and so we told her they were in our pockets and that was all that was said. [959]

\* \* \* \* \*

(Testimony of Dora Rawles.)

Q. (By Mr. Karasick): On October 15th, did you punch in at the regular time? A. Yes.

Q. What time was that? A. 4:00 o'clock.

Q. After you punched in, did anybody tell you that there was going to be a meeting?

A. Yes.

Q. Who told you? A. Ella Herrerias.

Q. What time was the meeting itself?

A. I punched in at 4 and then the meeting was right after that. [960]

Q. In the warehouse?

A. In the warehouse, yes, sir.

Q. Did you attend that meeting? A. Yes.

Q. Who all was there when the meeting went on?

A. All the employees and Mr. Caldwell and two other gentlemen.

Q. Mr. Caldwell here at the table?

A. Martini, I am sorry.

Q. Mr. Martini?

A. Yes, and two other gentlemen, which I didn't know.

Q. And you still do not know who those gentlemen were? A. That's right.

Q. You had not seen them before?

A. That's right.

Q. Was Ella Herrerias there so far as you recall? A. Yes, she was there.

Q. Now, was there a list read at that meeting?

A. Yes, there was.

Trial Examiner: A list of names?

(Testimony of Dora Rawles.)

The Witness: Yes.

Q. (By Mr. Karasick): As well as you can recall, will you tell us what was said at that meeting?

A. Well, one of the gentlemen got up and he told us that they were laying off the one shift, because he said there wasn't enough room in the warehouse for the apples, and that's about [961] all I remember—oh, he said there was going to be a list of names read out a little later.

Q. Do you remember anything else that was said at the meeting—withdraw that question for a moment. I show you General Counsel's Exhibit 25, will you look at that letter carefully and tell me whether or not you can recall if that was the letter, or was in substance the letter that was read at that meeting?

A. It was, it is the same one.

Q. Now, can you recall anything else that was said at that meeting, Mrs. Rawles?

A. Well, this first gentleman, as I say, he got up and talked, he told us about the layoff and he said there would be a letter read, and the other gentleman read the letter. I didn't know his name, but he read the list—the other gentleman—I am sorry.

Q. A list of names?

A. He read the list of names and—

Mr. Berke: Excuse me, could we have him identified?

Mr. Karasick: She doesn't know him.

Mr. Berke: I mean, was it the same one that read the letter?

A. No, it wasn't. It was a different one, and he

(Testimony of Dora Rawles.)

said the names that were on the list were to remain and go on the day shift, and the names that weren't on the list were to be fired— [962] let go.

Q. Was your name on the list?

A. Yes, it was.

Q. Was Pauline Ploxa's? A. Yes.

Q. And you heard the two names read among others? A. Yes, we did.

Q. Do you remember anything else that was said at that meeting?

A. And then after that was finished reading the list, Mr. Martini read us the letter that you just showed me.

Q. Now, anything else that you can recall that was said at the meeting?

A. No, I don't remember anything else.

Q. Did anyone at that meeting say that the employees on the night shift whose names were not read would have to work that evening?

A. No, they didn't.

Q. After the meeting was over, did you have a conversation——

Mr. Berke: Just a moment, I am going to ask that that last question and answer be stricken as leading and suggestive.

Trial Examiner: I will deny the motion, especially in view of the answer.

Q. (By Mr. Karasick): After the meeting was over, Mrs. Rawles, did you have a conversation with Mr. Martini? [963] A. Yes, I did.

Q. Where did that occur?

(Testimony of Dora Rawles.)

A. Outside the warehouse.

Q. And who else was present?

A. Pauline Ploxa was there and Ida Fishelson.

Q. And Ida Fishelson was another employee?

A. That's right.

Q. Now, to the best of your recollection, will you tell us what was said on that occasion and who said it?

A. Well, Mr. Martini was standing outside the warehouse talking to another gentleman, and after this man left, we walked up to him, and Pauline again asked him or told him, and said our names were on the list, but she said we can't work days, Mr. Martini, she says, we have children and we aren't able to work days.

Q. Now, why couldn't you work because of children?

A. Well, we'd have to hire a baby sitter and it just wouldn't work out.

Q. What would you do at night?

A. Our husbands took care of the children.

Q. They worked during the day?

A. That's right.

Q. Will you go on about the conversation?

A. So she told him our names were on the list, and that we couldn't work days, and he says, "I am sorry that you can't," [964] he says, "I will see you next year." And then I asked him—before that, Ida Fishelson spoke up and she said, "I have lots of room in Santa Rosa," and said, "I have a warehouse

(Testimony of Dora Rawles.)

that you can rent," and Mr. Martini said, "There was more to it than that," and that was all.

Q. And was anything else said?

A. And I said to him myself "Do I have to work tonight?" and he said, "You can work if you want to, but you don't have to, but if I were you, I would finish the night," like that.

Q. Did you finish the night out?

A. No, I didn't.

Q. What did you do, did you leave then?

A. I went back to the plant.

Q. I mean did you go home after that?

A. Yes, I did. [965]

\* \* \* \* \*

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): As I understand it, on two occasions that you and Mrs. Ploxa inquired of Mr. Martini about how long the night shift would work? That was occasioned by the fact that you and Mrs. Ploxa were anxious—or you wanted to work as long as you could, is that right? A. That's right.

Q. However, you did not finish out the night shift on October [966] 15th, that is right, is it not?

A. I didn't finish it because—

Q. Now, just answer yes or no.

A. No, I didn't.

\* \* \* \* \*

Q. (By Mr. Berke): Now, when you came to work on the afternoon of October 15th, you say that Ella Herrerias told you that there was going to be a meeting of the employees in the warehouse?

A. Yes, she did.

(Testimony of Dora Rawles.)

Q. Did you also see a notice on the blackboard to that effect?      A. No, I never noticed that.

Q. You never noticed?      A. No.

Q. You would not say there was not such a notice?      A. I never seen it myself.

Q. Now, at that meeting, who was it that spoke first, do you recall?

A. I can't remember the name.

Q. Was it Mr. Martini?

A. I didn't know the other gentleman, Mr. Martini spoke last. [967]

Q. Mr. Martini spoke last?

A. He read the letter.

Q. I see, and one of the other two spoke first?

A. That's right.

Q. And then one of the other two was the next to speak, is that right?      A. Yes.

Q. And then Mr. Martini spoke last?

A. Yes.

Q. You are sure of that?      A. Yes.

Q. You live next door or pretty close to Pauline Ploxa?      A. Across the street.

Q. Have you and she discussed this case?

A. Yes, we have.

Q. Did you get together and discuss the fact that you were going to testify here?

A. Yes, we did.

Q. And did you discuss what you were going to testify about?      A. Yes.

Q. Is it Mrs. Rawles?

A. That's right. [968]



(Testimony of Dora Rawles.)

Q. (By Mr. Berke): How did you and Mrs. Ploxa happen to go to [971] SAGU last year to apply for work?

A. We were laid off at the Cooperative, because there was no more work on the night shift, then we went to SAGU.

Q. When were you laid off at the Cooperative?

A. September the 10th. [972]

\* \* \* \* \*

Q. (By Mr. Berke): Did you apply for employment at the Sebastopol Cooperative Cannery this year?      A. Yes, I did. [973]

\* \* \* \* \*

Q. Have you made application anywhere else for employment?      A. Pleasant Hill.

Q. What is Pleasant Hill?

A. That's the name of the drier.

Q. Is that a concern that dries apples?

A. That's right. [974]

\* \* \* \* \*

Q. (By Mr. Berke): Did you sign the—strike that. I will show you, Mrs. Rawles, General Counsel's Exhibit No. 26, which Mr. Karasick showed you a little while ago, you said this was the application form you filled out at SAGU or Molino?

A. Yes.

Q. Is that the same form that you filled out at Sebastopol Cooperative Cannery?      A. Yes.

Q. And what about Pleasant Hill?

A. It is the same one. [975]

\* \* \* \* \*

## CLARENCE E. STOREY

a witness called by and on behalf of the General Counsel, National Labor Relations Board, being first duly sworn, was examined and testified as follows: [980]

\* \* \* \* \*

The Witness: 169 Burnett Avenue, Sebastopol, California.

## Direct Examination

Q. (By Mr. Magor): Are you married, Mr. Storey? A. Yes.

Q. What is your wife's name?

A. Orice Storey.

Q. Were you ever employed by the Sebastopol Apple Growers Union? A. Yes.

Q. When were you first employed by the company? A. September, 1953.

Q. What job did you have at that time?

A. Dumping apples.

Q. How do you refer to the company involved in this proceeding? A. SAGU.

Q. You sometimes refer to it as Molino?

A. Yes.

Q. And if either you or I refer to it either by SAGU or Molino, you are referring to the Sebastopol Apple Growers Union, is that correct?

A. Yes.

Q. The Respondent in this proceeding?

A. Yes. [981]

\* \* \* \* \*

Q. Will you describe so the Trial Examiner here will understand, what you mean by a "pallet"?

(Testimony of Clarence E. Storey.)

A. A pallet is a slatted rack to stack the boxes on and the fork lift runs underneath, through the slats and picks it up, [990] and it picks up two pallets side by side.

Q. How many boxes on each pallet?

A. Approximately 48.

Q. And what did you do then, what was your job?

A. I would take them off of the pallet and dump them on the belt.

Q. And where was the belt located?

A. I was standing within a foot of it.

Q. Was the belt outside the cannery?

A. The belt was outside the cannery.

Q. What type of belt was it?

A. Just a regular belting.

Q. And would you dump the apples on that belt?      A. On that belt.

Q. And where would they go from there?

A. Up into the flume.

Q. And from the flume, where would they go?

A. Down to the peeling line.

Q. And was that flume water?      A. Yes.

Q. And were they carried by the water down into the peeling line?      A. Yes. [991]

\* \* \* \* \*

Q. Did you sign any union application or authorization card at any time while you were working at Sagu during the 1954 season?      A. Yes.

Q. Do you recall when that was?

A. August the 4th, 1954.

(Testimony of Clarence E. Storey.)

Q. I show you General Counsel's Exhibit No. 28 in evidence. Would you look at that please, sir?

A. Yes.

Q. Now, other than the writing on this document in pen, is that similar to the card you signed?

A. Exactly.

Q. You say you signed it on August 4th?

A. Yes, sir.

Q. Will you tell us when you obtained the card?

A. I obtained the card on August 4th.

Q. And where were you, at the time?

A. In my automobile.

Q. And do you recall what time of day it was?

A. Approximately 10 minutes after 4:00.

Q. Was this before or after work?

A. After work.

Q. Was there anybody else in your automobile at the time? A. Yes. [992]

Q. Who was with you?

A. My wife, Orice, and Margie Byrd.

Q. Is it B-y-r-d? A. Yes.

Q. Where were you going, at the time?

A. We were going home.

Q. Will you tell us if you observed anything unusual, at that time? A. Yes.

Q. Tell us what you observed?

A. I got in my car, the three of us started out of the parking lot into the driveway. There was a man standing on the edge of the highway with some papers in his hand, and Leonard Duckworth and Charles Williams was between me and the man

(Testimony of Clarence E. Storey.)

in the driveway. I got even with him and stopped.

Charlie Williams——

Mr. Berke: Will you hold it just a moment?

Q. (By Mr. Magor): Go ahead.

A. Charlie Williams the night—we referred to him as night superintendent—said, “Storey, do your country a good deed and run over that guy.”

Q. What guy was he referring to?

A. The guy with the cards, and Leonard Duckworth handed two cards in the car. Two pledge cards.

Q. Who did he hand it to? [993]

A. To my wife.

Q. Where was your wife sitting?

A. In the front seat, I was doing the driving.

Q. She was sitting opposite you?

A. Opposite me.

Q. Where was Duckworth at the time?

A. He was standing right by the car.

Q. On what side of the car?

A. On my wife’s side.

Q. You say he handed two cards in the window?

A. Yes.

Q. Did he say anything at the time?

A. No.

Q. Were those—is that the card that you signed?

A. Yes.

Q. Did you sign it on that day?

A. Yes, sir.

Q. That is one of the cards that Mr. Duckworth handed you in the car?      A. Yes.

(Testimony of Clarence E. Storey.)

Q. What did you do with the card after you signed it?

A. Put it in the mailbox in Sebastopol.

Q. You sent it to the union?

A. Yes, sent it in to Local 980, Santa Rosa.

Q. You say there was a man standing on the highway outside at [994] the time?

A. Yes, sir.

Q. That was handing out cards or literature?

A. Yes, sir.

Q. Did you know the man, at that time?

A. No, I didn't.

Q. Have you since learned his name?

A. No.

Q. Did you know anybody out there on the highway at the time?      A. Yes, sir.

Q. Who was out there?

A. Our union representative.

Q. What was his name?

A. I since learned it was Mr. Bertolucci.

Q. You did not know him at that time?

A. No, I didn't know him.

Q. What was Mr. Bertolucci doing there?

A. Sitting in his automobile.

Q. Do you know what position Mr. Bertolucci occupies?

A. Now, he is President of Local 980.

Q. Now, when Charlie Williams told you to run over that guy over there, what did you say, if anything?

A. I said the guy hasn't bothered me.

(Testimony of Clarence E. Storey.)

Q. After signing the card, Mr. Storey, or after August 4, 1954, what union activity, if any, did you engage in? [995]

A. I attended all the meetings.

Q. Do you recall when it was that you first attended a meeting?

A. Approximately two weeks after I signed the card.

Q. Do you recall where it was that you attended the meeting?

A. At the Labor Temple in Santa Rosa, Local 980.

Q. And would you tell us, to the best of your recollection today, how many union meetings you attended during the time that you worked for Sagu, during the '54 season?

A. I would say at least 10.

Q. Are you on any union committees?

A. Yes.

Q. Do you recall when it was you were on a union committee?           A. Not the date.

Q. How long was it after you signed this card on August 4, 1954, approximately?

A. 10 or 12 days.

Q. Were you asked to be on a union committee or elected or appointed or what?

A. We were elected, I guess.

Q. Well, you had a meeting or what?

A. Had a meeting.

Q. Where was the union meeting held?

A. In the Labor Temple in Santa Rosa.

(Testimony of Clarence E. Storey.)

Q. You say you were elected, will you tell us under what circumstances you became a committeeman? [996]

A. Well, we were all in this Labor Temple and each—Mr. Bill Grami wanted to know if we would all serve on the committee and everyone of us agreed.

Q. Will you tell us who else was on the union committee at that time?

A. There was Orice Storey, Eva Lee, Leonard Lee, Leonor Johnson, Lina Ameral, myself. That's the best I can recall, that's it.

Q. Was Lila Layman on it?

A. I don't recall, the first meeting.

Q. Was Mary Russell on that committee?

A. Yes, at the first one.

Q. Was there one committee or more than one union committee?

A. There was only one, at that time.

Q. Were there later committees in addition to that?

A. Later, every meeting we added to it.

Q. What committee was this, the day-shift committee? A. Yes, sir.

Q. Was this for employees at Sebastopol Apple Growers Union? A. Yes, sir.

Q. What was the purpose of the committee?

A. It was to get more people interested in the union.

Q. Now, you say on August 4th, as you were leaving the plant, you saw a person whose name you



(Testimony of Clarence E. Storey.)

did not know and Mr. Bertolucci, whose name you since learned, were out on the highway, is that [997] correct?      A. Yes.

Q. After that date, did you see any union representatives out on the highway?      A. Yes, sir.

Q. Do you recall when it was that you next observed them?

A. Approximately three weeks.

Q. And did you see them—you say approximately three weeks—did you see them once or more than once?      A. More than once.

Q. How often would you see them out there?

A. At noon.

Q. How often?      A. Every day.

Q. And at what time of day would you observe them out on the highway?

A. At noon, and at the 4:00 o'clock shift change.

Q. Did you know the names of these representatives that you observed out there?      A. Yes.

Q. What were their names?

A. Bill Grami, Charlie Ciolino, Jack Spiro.

Q. How do you spell that last name?

A. I don't know.

Q. What, if anything, were these union representatives doing [998] that you observed?

A. They were talking on the loud speaker.

Q. And how close were they to the company property?

A. They were on the edge of the highway, it could have been a foot from the property.

Q. Now, did you ever have any discussion with

(Testimony of Clarence E. Storey.)

Mr. Martini with respect to the union representatives being out there? A. Yes.

Q. Do you recall where and when it was to the best of your recollection today?

A. The best I recall, early in September.

Q. Where were you at the time?

A. In my position at work dumping apples.

Q. Do you recall what time of day it was?

A. Usually between 10:30 and 11:00.

Q. You say "usually", was there one conversation or more than one conversation?

A. There was more than one.

Q. Now, let us direct your attention to the first one. You say it was sometime early in September?

A. Yes.

Q. Do you recall what time of day it was?

A. Between 10:30 and 11:00.

Q. Was anybody else present at the time?

A. Not engaged in the conversation. [999]

Q. Will you tell us to the best of your recollection today, what was said and who said it?

A. Mr. Martini walked by me where I was working, and said, "Storey, you're slipping, your boys aren't out there yet, what is wrong?" and I would reply, "Give them a minute kind sir, they will be there."

Q. Is that all that was said?

A. In one passing, yes.

Q. When he said "your boys aren't out there yet, they're slipping," what was he referring to to your knowledge?

(Testimony of Clarence E. Storey.)

Trial Examiner: I think you misquoted him, it was, "You're slipping".

Q. (By Mr. Magor): I withdraw the question. When he made this statement, Mr. Martini, to whom was he referring, if you know?

Mr. Berke: Well, wait just a moment. The question is not clear to me, I am going to object on the ground it is vague.

Trial Examiner: Overruled.

Q. (By Mr. Magor): Did you understand the question? A. No.

Q. I will withdraw it.

When Mr. Martini said to you, "Mr. Storey, your boys aren't out there yet," to whom was he referring?

A. To the union officers, Bill Grami, Charlie Ciolino, and Jack Spiro. [1000]

Q. Did Mr. Martini come to talk to you about that on other than this one occasion that you related? A. Several times, yes, sir.

Q. When you say several, how many times did he come and talk to you concerning this?

A. I couldn't give you the exact number, at least one time every day.

Q. And when was the next time, after this first time that you have related?

A. A couple of days after he came right back by.

Q. Was anybody else present at that time?

A. Not in the conversation, no, sir.

Q. What did Mr. Martini say to you?

A. He said, "Mine and Storey's horses don't pull

(Testimony of Clarence E. Storey.)

together, we can't get along." And I momentarily went into a little prayer feeling sorry that I had lost his friendship.

Mr. Berke: I move that be stricken.

Trial Examiner: Did you do that out loud?

The Witness: Yes, sir.

Trial Examiner: Motion denied.

Q. (By Mr. Magor): Did you say anything to him? A. That was all I said.

Q. Now, did you see Mr. Martini after that with regard to the union—or did he say anything with respect to the union officials not being out on the highway? [1001] A. Yes.

Q. Do you recall when that was?

A. The next day or so.

Q. Was anybody else present at the time?

A. Not connected.

Q. Anybody else engaged in the conversation?

A. No.

Q. What did he say at that time?

A. "Storey, your boys are there, I hear them talking."

Q. What did you say?

A. Most times I'd generally laugh.

Mr. Berke: I am going to move that that be stricken, and ask that it be confined to a particular occasion.

Trial Examiner: Yes, please tell only what was said on this particular occasion.

The Witness: All right.

(Testimony of Clarence E. Storey.)

Q. (By Mr. Magor): Can you recall what was said on this particular occasion?

A. He said, "Storey, your boys are out there, I hear them talking." I'd say, "Well, I knew they would be there, figured they would be there to talk to us."

Q. Is that all that was said?

A. That's right.

Q. How many occasions did Mr. Martini come back to where you were working and talk to you about the boys being out on the [1002] highway during the time you worked there?

A. Well, at least eight times, at least that many.

\* \* \* \* \* [1003]

Q. Do you recall an incident before the time that your wife was discharged, with respect to a group of women wanting to meet with Mr. Martini?

A. Yes.

Q. Do you recall how long it was before your wife was discharged, that that incident took place?

A. The best I recall, September 23.

Q. Were you working on that day?

A. Yes, sir.

Q. And did anything unusual occur on that day?

A. Yes.

Q. What occurred?

A. I was pulled up into the office.

Q. I see. You say you were pulled up into the office, who pulled you up in the office?

A. I went in the cannery to punch in——

Q. What time of day was it?

(Testimony of Clarence E. Storey.)

A. 15 minutes to 12:00.

Q. And did you punch in?                      A. No.

Q. Tell us what occurred?

A. Leonard Duckworth caught me by the shirt and said, "Martini [1005] wants to see you up in his office."

Q. What did you say to him?

A. I didn't reply, I went up the stairs.

Q. You say you went up the stairs, was anybody with you?                      A. He was with me.

Q. And you say, "He", whom are you referring to?                      A. Leonard Duckworth.

Q. Did you go into the office?                      A. Yes.

Q. What office did you go into?

A. The Cannery Superintendent's office, Leonard Duckworth.

Q. Was anybody in that office at the time?

A. Yes.

Q. Who was there?                      A. Elmo Martini.

Q. And was Mr. Duckworth present?

A. He came in behind me.

Trial Examiner: Will you repeat that?

The Witness: Duckworth came in behind me.

Q. (By Mr. Magor): Now, it was yourself and Martini and Duckworth?                      A. Yes.

Q. Was anybody else present?                      A. No.

Q. Will you now relate the conversation that occurred there, [1006] and will you tell us what was said and who said it?

A. Mr. Martini says, "Storey, I understand you're going for this union," I replied, "Yes." He

(Testimony of Clarence E. Storey.)

said, "Do you know what you are getting into?" I says, "I would like to get more money." He did like this, in this motion (indicating), "You know you won't get as much money as you're getting now, and the women won't get but 90 cents an hour, and you will be assessed, forced to pay big assessments for accidents that happen in the East as far as New York."

Q. You say he made a motion with his finger to the palm of his left hand?      A. That's right.

Q. Tell us what else was said?

Trial Examiner: Well actually, he was putting his index finger on his little finger and climbing one finger with each statement thereafter.

Q. (By Mr. Magor): I stand corrected, Mr. Trial Examiner.

What else was said?

A. I guess that's about all.

Q. Have you exhausted your recollection?

A. Yes.

Mr. Berke: Just a moment, he said he guessed that was about all. Now, it seems a little different than exhausting his recollection.

Trial Examiner: If you are making an objection, it is [1007] overruled.

Q. (By Mr. Magor): Was anything said about talking about the union?      A. Yes.

Q. All right, will you tell us what was said in that connection?

A. He said that I wasn't to talk about the union

(Testimony of Clarence E. Storey.)

on company time while he was paying me, "But on your own time do as you please."

Q. What did you say, if anything?

A. I didn't reply.

Q. Do you know how long you were in the office at that time?      A. Approximately 18 minutes.

Q. Does the whistle blow there at the cannery?

A. Yes.

Q. Do you know what the purpose of blowing the whistle is, to your knowledge?      A. Yes.

Q. What is it?

A. One whistle is to get ready, for the women to get punched in and ready to go, and the second is to go to work.

Q. There is more than one whistle?

A. Yes.

Q. Is there more during the noon hour?

A. Yes. [1008]

Q. Now, do you know when the whistle blew, if you know, say so, if you don't know, say so.

A. Approximately seven minutes before noon.

Q. And what is work time for you?

A. My work time is 1:00.

Q. And when does the first whistle blow, do you know?

A. Approximately seven minutes before.

Q. And the second whistle?

A. On the dot, 1:00 o'clock.

Q. Did you hear one whistle blow or more than one?      A. Only one.



(Testimony of Clarence E. Storey.)

Q. Were you in the office at the time the whistle blew?           A. Yes.

Q. All right, how long after the whistle blew did you leave the office?

A. Approximately four minutes.

Q. And the office you are referring to is?

A. Superintendent's office.

Q. Superintendent's office where you were talking to Mr. Martini?           A. Yes.

Q. What time are you supposed to go to work?

A. 15 minutes to 12:00.

Q. And that is why, before punching in, you went to see Mr. Martini? [1009]

A. That's right.

Q. Now, did anybody come in the office during the time you were talking with Mr. Martini?

A. Yes.

Q. Who came in?           A. Steve Struempf.

Q. What is his position?

A. Plant Foreman.

Q. Was this during the time you were talking to Mr. Martini?           A. Yes.

Q. Was there any conversation, at that time, when Steve Struempf came in?

A. He looked to Leonard Duckworth and said, "The women want to see Martini." Martini said, "I will be down in a minute."

Q. What occurred after you left the office, will you describe that?

A. I walked out on the porch, the balcony, there

(Testimony of Clarence E. Storey.)

was about 75 women gathered around the foot of the stairs.

Q. What did you do then, if anything?

A. I walked on down the stairs, through the crowd. Mr. Martini was standing on the balcony looking down.

Q. What happened then?

A. I walked straight to the time clock and punched in, approximately 15 feet from the foot of the stairs. Mr. Martini then came down the stairs. My wife approached Mr. Martini—— [1010]

Q. That is Orice Storey?

A. Orice Storey, and I heard him say, "No ma'am, I will not."

Q. Did you hear what your wife had to say?

A. I did not.

Q. But you heard him say, "No ma'am, I will not."?

A. "No Ma'am, I will not."

Q. What happened after that?

A. She says, "Back to work girls, back to work girls."

Q. What did you observe then?

A. They all went back to work.

Q. What did you do then?

A. I went back to my position dumping apples.

Q. You went back to work dumping apples, where did you go?

A. To the south end of the cannery outside the cannery.

Q. You say the place that you dumped the apples that come to the cannery?

A. Yes.

(Testimony of Clarence E. Storey.)

Q. And go down the flume to where the girls are peeling and trimming? A. Yes.

Q. Was there any apples coming out there at that time? A. No.

Q. Was there any other apple dumper working that day? A. No.

Q. Were there any apples in the flume when you got out there? [1011] A. No.

Q. Who puts the apples in the flume?

A. I do. \* \* \* \* \*

Q. Were you paid for the time you were in Mr. Martini's office on that occasion? A. Yes.

\* \* \* \* \* [1012]

Q. You say the last day your wife worked for the company was on September 25, 1954?

A. Yes.

Q. Did you drive your wife to work on that day?

A. Yes, sir.

Q. In your car? A. Yes.

Q. What time of day did you go to work that day, if you recall?

A. The best I recall, I went to work at 15 minutes until 7:00.

Q. Was that on a Saturday? A. Yes.

Q. Did you work a full day on Saturday?

A. No.

Q. What time did you get off?

A. 12:00 o'clock.

Q. After you were at work on that day, September 25, did you see your wife at any time after that? [1015] A. Yes.

(Testimony of Clarence E. Storey.)

Q. Do you recall when it was, what time it was?

A. Approximately 11:30.

Q. Where did you observe your wife at that time?

A. She walked by, out the cannery door, the south door. I was working in my position. She said, "I punched out, I am sick, I am going to the car."

Q. Was there anyone else present during that time that she said that, who engaged in any conversation?      A. No. [1016]

\* \* \* \* \*

Q. Did you see Mr. Martini on that occasion at all on that day?      A. Yes.

Q. Do you recall what time of day it was?

A. Approximately—the best I recall, 15 minutes to 12:00.

Q. Was this before or after you saw your wife?

A. That was after.

Q. Where were you at the time?

A. Standing in my position at the south end of the cannery dumping apples.

Q. Was anybody with Mr. Martini at the time?

A. Not at the time, no.

Q. Did he approach you or what?

A. Yes.

Q. Was anybody else present?

A. They joined in, I say they joined in later.

Q. You mean other people came in later? When you saw him for the first time he was alone?

A. He was alone.

(Testimony of Clarence E. Storey.)

Q. Will you tell us, to the best of your recollection today, what was said at that time, and who said it?

A. He came out of the south cannery door, motioned like this (indicating), "Storey, come here, I want to talk to you."

Q. That motion is with the arm?

A. With his left arm, so we walked about, approximately 25 [1017] feet from my position to the east, out in the street—driveway there—and he said, he asked, "Do you know what your wife is doing?" I said, "No." He says, "She is trying to form a committee on the night shift. I want you to go fire her and get her out of here."

Q. What did you say?

A. I can't repeat the words.

Q. Do you want the ladies to leave the room?

A. Unless they want to hear those words.

Mr. Magor: Would you ask the ladies to leave the room for the purpose of this conversation?

Trial Examiner: Will you please step out in the corridor?

Q. (By Mr. Magor): Tell us now what you said.

A. I did it like this. I said, "That's your fucking job. If you want her fired, you fire her."

Mr. Berke: I didn't understand.

The Witness: I said, "That's your fucking job. If you want her fired, you go fire her.", like that.

Q. (By Mr. Magor): Did you tell him that you only worked there?

(Testimony of Clarence E. Storey.)

A. I said, "I only work here, you are the boss, you do the hiring and firing."

Q. What else occurred then, or what else was said?

A. Leonard Duckworth approached and said, "I have two witnesses to prove that she was trying to form a committee on the [1018] night shift, two girls." Tony Bondi came around the truck from the opposite side and said, "If you have two witnesses, that's enough, I will sign her check."

Mr. Berke: Could I have the reporter read that last part?

(Answer read.)

Q. (By Mr. Magor): What did you say, if anything?

A. I asked, "Was she—" I said, "She is on her own time, she punched out, you told us two days ago that we could do what we wanted on our own time."

Q. Who did you direct that to?

A. Martini.

Q. And what did he say?

A. He said, "Why don't they get their fucking committees and get it over with."

Q. What else did he say? When you told him she was on her own time?

A. He says, "You know, I am the boss, I am the manager, I run this cannery. Why in the hell don't you get Bertolucci and Rhodes to shut the God-damned place down? If you don't I am going to shut the God-damned thing down."

(Testimony of Clarence E. Storey.)

Q. What else was said? Strike that.

When you told Mr. Martini that your wife was on her own time, what did he say to that?

A. He said, "I forbid talking union on cannery property, on cannery property." He repeated the second time. [1019]

Trial Examiner: Who said that?

The Witness: Mr. Martini.

Q. (By Mr. Magor): Is that, to the best of your recollection, the conversation that occurred at that time? A. Yes.

Q. What did they do then?

A. I went back to work. Duckworth—I don't know where Martin and Bondi went, I don't know. Duckworth came back.

Q. All right, just a moment. You don't know where Duckworth and Martini went?

A. No, I don't know.

Q. You refer to Tony Bondi, will you identify him?

A. We refer to him as President of the Board of Directors.

Q. Now, did you see Mr. Duckworth after that?

A. Yes.

Q. Do you recall how long it was after this conversation that you related?

A. Approximately five minutes to 12:00.

Q. Where were you at that time?

A. In my position dumping apples.

Q. All right, did Mr. Duckworth approach you or did you approach him?

(Testimony of Clarence E. Storey.)

A. He approached me.

Q. Do you remember where he came from?

A. He came out of the cannery, came out the south door. [1020]

Q. Was anybody else present at the time?

A. No.

Q. Can you tell us, to the best of your recollection today, what was said and who said it?

A. Mr. Duckworth said, "Tell your wife I will have all of her money for her in a few minutes." I replied, "Okeh."

Q. What was that time?

A. Five minutes to 12:00.

Q. Did you see Mr. Duckworth after this, on that day?           A. Not after that.

Q. What did you do then?

A. The whistle blew, I punched out and went to the car, and asked my wife, I said, "Well, I guess they fired you," and she said, "They didn't tell me." and we drove home.

Q. Now, I ask you, Mr. Storey, on that day at any time in the conversation that you have just related with Mr. Martini and Mr. Duckworth and Mr. Bondi were present, whether at that time, did Mr. Martini say to you in words and substance that he had fired your wife?           A. No. [1021]

\* \* \* \* \*

Q. (By Mr. Magor): Mr. Storey, after you and your wife left the plant and went home on September 25, what did your wife do on that day?

A. She went to the doctor.



(Testimony of Clarence E. Storey.)

Q. Do you know whether or not she made any telephone calls to the company on that day after leaving work?      A. She called the floorlady.

Q. Which floorlady?      A. Edna Hardin.

Q. Did you go back to work the following work day?      A. Yes.

Q. That would have been Monday, September 27th?      A. Yes.

Q. Did your wife go to work with you on that day?      A. No.

Q. Did you see any or talk to any representative of the company with respect to your wife?

A. Yes.

Q. Do you recall who you were talking to?

A. Edna Hardin.

Q. Do you recall what time it was?

A. Approximately 9:30. [1022]

Q. Where were you talking to Edna Hardin?

A. In my position at work.

Q. In your position at work?

A. In my position at work.

Q. Dumping apples?      A. Dumping apples.

Q. Was anybody else present at the time?

A. No.

Q. Tell us what was said and who said it?

A. Edna Hardin came up and said, "Here's Mrs. Storey's check, all of Mrs. Storey's money." I thanked her.

Q. Did she give you a check?

A. She gave it to me.

Q. Was that the only check you got with respect

(Testimony of Clarence E. Storey.)

to your wife? A. At that time.

Q. Did you get one later? A. Later.

Q. When was that?

A. On Wednesday, the following Wednesday.

Q. Who did you get that check from?

A. Mr. Wilson from the main office.

Q. Who is Mr. Wilson?

A. The head bookkeeper over there.

Q. Where did you see Mr. Wilson?

A. In my position at work. He came to me, I came back and I [1023] called him, and I asked him if he would check the books.

Q. He said he would?

A. Yes, and he came back in a few minutes and gave me another check.

Q. Now, getting back to Monday, September 27, did you see your wife at the plant that day at all?

A. Yes.

Q. Do you recall what time of day it was?

A. Between 11:00 and 12:00.

Q. Where did you observe your wife?

A. I was in the parking lot. She came walking up the driveway.

Q. What were you doing in the parking lot?

A. I was eating my lunch.

Q. Was anybody with your wife at the time?

A. No.

Q. Was anybody with you? A. Yes.

Q. What did you do then, you see any representative of the company or talk to any representative of the company? A. Yes.

(Testimony of Clarence E. Storey.)

Q. Who did you talk to? A. Elmo Martini.

Q. Where were you talking to Elmo Martini?

A. Just east of the main entrance to the cannery plant. [1024]

\* \* \* \* \*

Q. Now, who was with you at the time you were talking to Mr. Martini, who else was present at that time?

A. My wife, Orice Storey, and Margie Byrd.

Q. Was anybody with Mr. Martini at the time?

A. Yes.

Q. Who was with him?

A. The warehouse—packing house superintendent.

Q. Do you know his name?

A. Only his first name.

Q. What is his first name? [1025]

A. Louie.

Q. Did you observe any union official near that locality at that time?

A. They were on the edge of the highway, quite a distance.

Q. Do you know who was there? A. Yes.

Q. Who was there?

A. Bill Grami, Charlie Ciolino.

Q. Now, will you relate to us, to the best of your recollection today, the conversation that occurred with Mr. Martini at that time, and tell us what was said and who said it?

A. We met Mr. Martini, my wife, Margie Byrd, and myself, just outside from the main entrance

(Testimony of Clarence E. Storey.)

of the cannery, on the east side of the cannery in the driveway street, she says, "You're just the man I want to see."

Trial Examiner: Who said that.?

Q. (By Mr. Magor): Who said it, and to whom?

A. My wife, to Mr. Martini. My wife said, "I want to know, am I fired?" He says, "Yes, you are fired." My wife wanted to know what for. He said, "For trying to form a committee on the night shift." She says, "Did you know I was on that committee, Mr. Martini?" Mr. Martini says, "I don't give a darn what committee you're on." He says, "I am not going to back up on my decision, that is final."

Q. Who said that? [1026]

A. Mr. Martini.

Q. What else was said, if anything?

A. The best I recall, that's it.

Q. What happened then?

A. She went—my wife went back toward the highway.

Q. And what did you do?

A. I went to work, punched in and went to work.

\* \* \* \* \* [1027]

Q. Do you ever wear a union button?

A. Yes.

Q. When you were working on the day shift?

A. Yes.

Q. During the '54 season? A. Yes.

Q. Do you recall when you got a union button?

A. Two days before we were laid off.

Q. Where did you get the button? [1031]

(Testimony of Clarence E. Storey.)

A. In the Labor Temple, Local 980, in Santa Rosa.

Q. What did you do with it after you got it?

A. I got two.

Q. What did you do with it?

A. One on my collar, one on my work aprons.

Q. Did you wear it to work?           A. Yes.

\* \* \* \* \* [1032]

Q. (By Mr. Magor): Mr. Storey, do I understand, that from your position dumping apples, and the apples go in the flume by the water into where the women workers or girls are working at peeling or trimming?           A. Yes.

Q. During the time that you were working for Respondent, did you notice anything unusual in the water?           A. Yes.

Q. What did you observe?           A. Mice.

Q. And when did you observe the mice?

A. 1954, around August the 15th.

Q. And tell us what you observed on that date?

A. Tony Bondi, the President of the Board of Directors, put the mouse in a can and dumped him over in the flume.

Q. When you say, "over in the flume," where?

A. From the can—dumped him out of the can over into the flume.

Q. And where does the flume go?

A. Down inside the cannery to the peeling line.

Q. Were there apples in the water at the time?

A. Yes.

(Testimony of Clarence E. Storey.)

Q. Was the mouse alive or dead or was it a rubber mouse?      A. It was a live mouse.

Q. What occurred after that?

A. Screaming took place.

Q. And where did the screaming take place, inside or outside?      A. Inside the cannery.

Q. What did you observe, if anything, after that?

A. I ran over to the door, the south door of the cannery, Dorothy Offet, a trimmer, told me there is a rat in here this long (indicating) and measured between the knife and hand like that (indicating).

Trial Examiner: Indicating about eight inches?

The Witness: Yes.

Q. (By Mr. Magor): What else occurred?

A. A lizard.

Q. And when did you observe the lizard?

A. The lizard, that was shortly after that, I couldn't give the exact date.

Q. That was after the incident you just related?

A. It was after the rat.

Q. Do you know who put it in the water?

A. No.

Mr. Berke: Just a moment, there was no showing that this [1034] took place, no evidence showing that it was in the water.

Q. (By Mr. Magor): I will rephrase the question.

Will you tell us what you observed at that time?

A. I didn't know the water lizard was in the flume, I heard an awful screaming inside and then

(Testimony of Clarence E. Storey.)

I really ran to the door, expecting to see something really bad, and the first peeler inside the wall was almost going into fits because she was very upset, screaming and crying, and she said that the lizard had crawled across her hand.

Q. What occurred then, if anything?

A. The floorlady, Edna Hardin, came to me.

Q. Where were you at the time?

A. Dumping apples in my position.

Q. Outside?           A. Outside the cannery.

Q. How long after that was it?

A. A couple of minutes.

Q. Was anybody else with Edna Hardin at the time?           A. No.

Q. Tell us what was said.

A. She wanted to know if I put the lizard in the water. I told her I didn't have anything to do with it. That's all she said.

Q. Did you talk to anybody else about it?

A. Yes. Mr. Duckworth. [1035]

Q. And when were you talking to him?

A. Just a few minutes after Edna Hardin.

Q. And where were you talking to him?

A. In my same position, outside the cannery.

Q. Was anybody else present?           A. No.

Q. Will you tell us what was said and who said it?

A. He said, "Don't let us have any more lizards in the water, or live mice."

Q. What did you say?

(Testimony of Clarence E. Storey.)

A. I didn't—I said, "I didn't put the lizard in the water."

Q. And what else was said, if anything?

A. I didn't say any more.

Q. Now, did you observe—strike that.

Did you yourself put anything in the water?

A. Yes.

Q. What did you put in?

A. My worn out gloves.

Q. When you say "worn out", did you wear gloves when you were working?      A. Yes.

Q. Describe them, as "worn out", what do you mean?

A. Well, I wear out a pair of gloves every four days. When they get holes in them, naturally I don't use them any more if you can afford another pair. [1036]

Q. What did you do?

A. I filled my old gloves full of small apples, and laid them like that (indicating) on the belt, like two hands up the belt.

Q. You laid them side by side?

A. Yes, just like that (indicating).

Q. And where did they go from there?

A. Into the flume, down the peeling line. Some of the peelers took them out, I don't know who.

Q. You say, "down the peeling line". What line are you referring to?

A. That is—the apples go down inside the canery to the woman peelers.

Q. Was anything said about that?      A. No.



(Testimony of Clarence E. Storey.)

Q. How often did you do it?

A. Once a week.

Q. Were you ever warned or reprimanded by any representative of the company with respect to that?

A. No, sir.

Q. Did you ever talk to any representative of management with respect to that?

A. One representative was standing by the side of me when I laid one pair on there.

Q. Do you recall who that was?

A. Not the date. [1037]

Q. How long was it before you were laid off, if you know?

A. Probably a month and a half.

Q. Who was standing there?

A. Danny Schuster.

Q. What did he say?

A. The warehouse foreman.

Q. What did he say, if anything?

A. He left.

Q. He didn't say anything?

A. He didn't say a word.

Q. Have you ever observed apples that were decorated at all while you were working there?

A. Yes.

Q. Do you recall when it was?

A. Yes.

Q. When was that?

A. About the exact date?

Q. Was it during the '54 season?

A. Yes.

(Testimony of Clarence E. Storey.)

Q. And do you recall when, in relation to the day you were laid off that you first observed them?

A. It was before my wife was fired.

Q. You mean before September 25, sometime?

A. Yes.

Q. How long before that, approximately? [1038]

A. A month.

Q. Where did you observe these apples?

A. Right by where I was working.

Q. You say right by where you were working, can you describe where that was?

A. I was in my position dumping apples outside the cannery. My wife was an inspector on the belt.

Q. Was your wife outside?

A. Yes. She made an apple with a face and set it on the table where I keep my papers, my books. I took my cigarette and put it out and stuck it in his mouth. The next morning when we came to work, it was sitting on the time clock inside the cannery.

Q. Now, you say she made an apple face, can you describe what you mean?

A. She took a knife and made a little 'a capital V' for the nose and a cut like that (indicating) for the mouth and then I made a place to put the cigarette.

Q. You say she made the face, did she remove anything from the apple to make the face?

A. A little speck of the skin.

Q. How about the nose?

(Testimony of Clarence E. Storey.)

A. A little speck for the nose and eyes.

Q. How about the mouth?

A. Was a slit in the skin. [1039]

Q. And when you saw it the next morning, where was it?      A. It was on the time clock.

Q. Where is the time clock located?

A. Right beside the ladies' lounge room, the day time clock.

Q. Was anything said to you or in your presence with respect to that?      A. No, sir.

Q. To your knowledge, was your wife ever warned or reprimanded by management with respect to that?      A. No, sir. [1040]

\* \* \* \* \*

Cross Examination

Q. (By Mr. Berke): Mr. Storey, did you sign an application at any other cannery?

Mr. Magor: Objected to as incompetent, irrelevant, and immaterial.

Trial Examiner: Overruled.

Q. (By Mr. Berke): What was your answer?

A. Yes.

Q. What other cannery?

A. Oh, O. A. Hallberg & Sons.

Q. Any other?      A. Graton.

Q. Any other?      A. Manzana.

Q. Any other cannery?      A. No.

Q. When did you sign those applications?

Mr. Magor: Same objection.

Trial Examiner: Overruled. You may have a continuing [1047] objection.

(Testimony of Clarence E. Storey.)

A. The same day.

Q. (By Mr. Berke): Same day that you went to SAGU?      A. Yes, sir.

Q. About the middle of June?

A. Approximately, the best I recall.

Q. And those two other places, was the application the same or similar to the one Mr. Magor showed you a moment ago, which is General Counsel's Exhibit No. 26?      A. Yes.

Q. Pardon?      A. Yes. [1048]

\* \* \* \* \*

Q. Was it part of your job to see to it that the apples were dumped so that there was an even flow into the flume?      A. Not particularly.

Q. You could dump all of them as fast as you wanted?

A. You can dump them as fast as you want.

\* \* \* \* \*

Q. Now, as I understand on the occasion that you related when you and Mrs. Storey were in your car and Mr. Williams and Mr. Duckworth came up, this was shortly after 4:00 o'clock on August 4, 1954, was it?      A. Yes.

Q. Mr. Duckworth handed two cards to your wife?      A. Yes.

Q. And you say that he didn't say anything? He just gave her the cards, is that right?

A. To the best of my knowledge.

Q. Now, you said something about having been elected as a member of the union committee, 10 or

(Testimony of Clarence E. Storey.)

12 days after signing. Are you sure that you were elected to that committee?

A. I don't know whether you call it elected or the people suggested—suggestions by others. Pick one, pick two, pick [1055] one this way, pick one that way.

Q. Where did they make this suggestion?

A. Mr. Bill Grami out at the Molino plant.

Q. Oh, it was Mr. Grami that suggested you serve on the committee?

A. On this loudspeaker, that we pick four or five good people that would, that we could trust.

Q. I see. Didn't I understand your testimony on direct examination, and correct me if I am wrong, that Mr. Grami wanted to know, "If we all could serve on the committee, and we agreed." Wasn't that your testimony on direct examination?

A. He asked us would we serve on it.

Q. Yes, and you agreed?           A. We agreed.

Q. So then, there was not really an election?

A. Not really an election.

Q. Now, referring to the date, that you remember specifically as September 23, did you testify that you were pulled up into the office?

A. Yes.

Q. Did somebody actually pull you up in the office?

A. Didn't pull me up in the stairs, but he caught me by the shirt and said, "Come on, Elmo wants to see you." [1056]

\* \* \* \* \*

(Testimony of Clarence E. Storey.)

Q. I see. Now in the conversation that took place in the cannery office, among the things that Mr. Martini said to you was something about he didn't want you to do what on his time? Would you explain that please?

A. He didn't want me to talk union on company time.

Q. However, he did say on your own time you could do as you please? A. Right.

Q. As I understand it, you did not make any reply? A. That's right.

Q. Now, you say that while you were in the cannery office in this meeting, you only heard one whistle, is that right? A. Right.

Q. What time was that whistle that you heard?

A. 12:00 o'clock.

Q. Right at noon? The stroke of noon?

A. The work whistle. Our lunch time is from 11:00 to 12:00.

Q. Was this right at the stroke of noon that you heard this whistle? [1057]

A. Right at time to go to work, at noon.

Q. I take it you looked at a clock at the time?

A. I had one on my wrist.

Q. And you looked at your watch and you knew it was exactly 12:00?

A. I know I was due at work then.

Q. You did not hear the previous whistle?

A. I did not.

Q. It may have blown, but you did not hear it?

A. I don't think it could have.

(Testimony of Clarence E. Storey.)

Q. You do not think it could have?

A. It couldn't have.

Q. Now, while you were in this meeting, you say that Mr. Struempf came in and said the women wanted to see Mr. Martini, is that right?

A. Yes.

Q. And was this before or after the whistle blew?      A. Shortly after the whistle blew.

Q. About how long after, do you know?

A. I don't—not over a minute or so.

Q. About how long after that was it that Mr. Martini went down to see the women?

A. Approximately three minutes after Steve was in there.

Q. Three minutes after what?

A. After Steve was there. [1058]

Q. And you say there were about how many women standing down there?

A. Approximately 75.

Q. And when you first saw them, where were these 75 women standing?

A. Gathered from the stairs on the south side toward the women's lounge.

Q. And did they remain there all the time that you saw them?      A. No.

Q. Where did you next see them?

A. Going to their positions.

Q. Was this after Mrs. Storey had said go back to work?      A. Yes, sir.

Q. Up to that point, they remained right there by the stairs?      A. Yes, sir.

(Testimony of Clarence E. Storey.)

Q. And did this same group of about 75 women remain there all that time?

A. To the best of my knowledge, yes.

Q. I see. Did this group get into the center of the cannery at all? Near the slicing machines or near the blancher? If you know?

A. To the best of my knowledge, they were close to the blancher.

Q. They were?            A. Yes. [1059]

Q. Do you know about how many of them were?

A. I don't.

Q. Did you see the fork lift, at that time?

A. Yes.

Q. What was it doing?

A. Sitting outside the cannery door.

Q. And do you know where outside the cannery door?

A. On the south side of the door, at the main entrance.

Q. While the women were standing there in the cannery, did the forklift come in and begin to operate at all?            A. No.

Q. It did not while you watched them until Mrs. Storey said get back to work?

A. I was punching in when she said, "Back to work girls, back to work."

Q. And your back would be toward the group then, when you were punching in?            A. No, sir.

Q. And you were able to see what was going on?

A. I was able to see.

Q. You did not see the women in this group hav-



(Testimony of Clarence E. Storey.)

ing to get out of the way because the forklift came in?      A. I wouldn't say that.

Q. What would you say, that it did not happen?

A. I say it did not happen. [1060]

Q. When this whistle blows about seven minutes before the noontime, is that an alert whistle to the employees to get ready?

A. To the women to get ready and punch in.

Q. And are the machines running then?

A. No.

Q. While they're punching in?      A. No.

Q. When do the machines begin to run?

A. When the last whistle blows.

Q. Right at noon?      A. Yes.

\* \* \* \* \*

Q. Now, on the day that Mrs. Storey was discharged, you say you saw your wife at 11:30 a.m.?

A. Approximately 11:30.

Q. And you saw her from your dumping position?      A. I was at my dumping position.

Q. And she told you she had punched out because she was sick, and she was going to the car?

A. Yes. [1061]

Q. Did you see her go to the car?

A. No, I couldn't see the car.

Q. Did you notice where she went?

A. Around the corner, the east corner of the building, southeast corner.

Q. And when she went around that corner, you could not see her after that?

A. I could not see her after that.

(Testimony of Clarence E. Storey.)

Q. Now, you say that on the day, or later that morning of September 25, after the event you just related about your wife, that Mr. Martini came over to you and asked you to come out or away from your dumping position?

A. No, he did not come to me.

Q. He did not come to you?

A. He motioned from the cannery door.

Q. And you walked out about 25 feet, you say, in the street?

A. To the east, and to the street.

Q. What street are you talking about?

A. The main drive between two buildings.

Q. This was on company property?

A. Yes, company property.

Q. And he, after asking you or telling you what your wife was supposed to be doing, he asked you to go and fire her?      A. Correct.

Q. Were you a supervisor at that time? [1062]

A. No.

Q. Did you ever hire and fire people while working there?      A. No.

Mr. Magor: I move to strike the question and answer on the ground that it is immaterial.

Trial Examiner: Overruled, motion denied.

Q. (By Mr. Berke): Now, the next work day, sometime between 11:00 and 12:00 that day, you say that your wife came down to the cannery?

A. The next work day, yes.

Q. And she came down to see Mr. Martini to find out why she was fired?      A. Yes.

(Testimony of Clarence E. Storey.)

Q. She did not come down to ask if she was fired, but she came down to find out why?

A. She came down to ask if she was fired.

Q. If she was fired?

A. If she had been fired.

Q. Did I misunderstand you on direct examination when you testified that she wanted to know why she was fired?

A. She wanted to know if she had been fired.

Q. And in reply to her question whether she was fired, Mr. Martini said the reason you were fired was that you were forming a union committee?

A. On the night shift. [1063]

Q. Had you and your wife or you or your wife talked to any of the union representatives before that day about whether she ought to go down and find out why she was fired?

Mr. Magor: Object on the ground that it is incompetent, irrelevant and immaterial.

Trial Examiner: Overruled.

A. No.

Q. (By Mr. Berke): You had not talked——

A. I had not.

Q. To your knowledge, did Mrs. Storey?

A. To my knowledge, no.

Q. Now, I mean whether she had talked to them face to face or on the telephone?

A. To my knowledge, no.

Q. You say there were present out on the highway, at that occasion, one or more union representatives?

A. Yes.

(Testimony of Clarence E. Storey.)

Q. How did you get to work that morning?

A. I drove my automobile.

Q. Do you know how Mrs. Storey came down?

A. I do not.

Q. To the plant?                    A. No.

Q. Do you know whether she came down in the car with the union representatives? [1064]

A. No, she didn't so far as I know.

\* \* \* \* \*

Q. (By Mr. Berke): Do you know a man by the name of Reynolds?                    A. Yes.

Q. Do you know his first name?

A. Dick, is what we call him.

Q. Did he work at SAGU last year?

A. Yes. [1065]

Q. Wasn't he the man who worked with you at your dumping position at times?

A. He was a lift truck driver, hired as that, hired as a lift truck driver. He hauled my boxes for me.

Q. Would he relieve you at times?

A. For restroom calls, yes.

Q. Would he also trade off with you on your job?                    A. No.

Q. At no time, did he do that?

A. At no time. We didn't trade off jobs.

Q. Now, as I understand it, you would fill up the flume with the apples and then you would take a five-minute rest, is that right?

Mr. Magor: Just a moment, I object on the ground it is misstating the evidence.

(Testimony of Clarence E. Storey.)

Trial Examiner: No, I will permit it.

A. Not necessarily, not every time.

Q. (By Mr. Berke): Well, when would you do that?

A. If I had to go get a drink of water, drink a coke, or go to the restroom.

Q. Or if you went up to see how the apples were?

A. Walk inside the cannery door to the first peeler and see how the apples were.

Q. Did I understand you to say that those times you would walk up to see how the apples were looking after the trim, was [1066] that your testimony?

A. I could look over into the trim line, see how they looked after they were peeled.

Q. Was that part of your job? A. No.

Q. To see how they looked after they were peeled? A. No.

Q. As a matter of fact, Mr. Storey, you went up to talk to the women, didn't you?

A. Absolutely not.

Q. Did you ever talk to the women?

A. Yes.

Q. While they were working? A. Yes.

\* \* \* \* \*

Q. On the occasion that you say that Mrs. Storey decorated an apple, which I understood was about a month before she was fired, is that right about that period? A. Yes.

Q. You were working at your dumping position? A. In my dumping position.

(Testimony of Clarence E. Storey.)

Q.    What was Mrs. Storey doing there?

A.    She was an inspector on the belt, picking out rotten and wormy apples.

Q.    And when she made a face out of an apple and put it on the table, you put a cigarette in its mouth?

A.    I put my cigarette in its mouth.

Q.    Did any supervisor or anybody representing the company see that?

A.    Not to my knowledge. [1074]

Q.    Was this a good apple or was it not?

A.    Yes, a good one.

Q.    Was it a peeled apple?                    A.    No.

Q.    One that had not yet been peeled, is that right?                    A.    That's right.

Q.    Now, you testified that nothing was said about it, is that right?

A.    There was nothing said about that apple.

Q.    Did Mr. Martini see it?

A.    Not to my knowledge.

Q.    Mr. Duckworth?

A.    Not to my knowledge.

\* \* \* \* \*

Q.    (By Mr. Berke): Will you answer my direct question? Did any of the other supervisors see it?

A.    No, not to my knowledge. [1075]

\* \* \* \* \*

Redirect Examination      \* \* \* \* \*

Q.    (By Mr. Magor): Now, on the day that your wife returned to the cannery, September 27th, did

(Testimony of Clarence E. Storey.)

you at any time after that find out from your wife how she got out to the cannery on that day?

A. Yes.

Q. Do you know how she got out there that day?

A. She told me.

Q. What did she tell you?

A. Angelo Bertolucci brought her out there.

Q. On cross examination, you were asked whether you can dump the apples as fast as possible, do you recall that question?      A. Yes.

Q. Did you want to explain your answer in any respect?

A. When you would get the flume filled, I would look in the mirror way up high, looking right down in the water, I could get it right to the top, if you left it go over, the rollers would cut the apples all to pieces and pile them up on the floor, and I would have to stop. [1080-3]

\* \* \* \* \*

Recross Examination      \* \* \* \* \*

Q. (By Mr. Berke): Now, did you have a mirror out there for the purpose of watching the flow of apples, isn't that right?

A. I watched them pile up in the flume, when they are in the flume. [1080-6]

Q. You have it there for the purpose of watching it pile up?

A. I have it to see when they roll over in the flume.

Q. But the purpose of the mirror is to permit

(Testimony of Clarence E. Storey.)

you to watch so you can see that they do not pile up, is that right?

A. No, to tell me when they are close, so I could dump slower.

Q. And were there times when you were dumping and the flume would fill and they would come out? A. Yes.

Mr. Magor: I object, and it is irrelevant, immaterial, and incompetent to the issues in this case.

Trial Examiner: I will overrule the objection.

Q. (By Mr. Berke): And that happened on more than one occasion, did it not?

Mr. Magor: Same objection.

Trial Examiner: I will give you a continuing objection.

A. Yes.

Q. (By Mr. Berke): Can you tell us about how many times to your recollection that occurred?

A. When I would see an apple cut in half, the first one, I would shut the machine off.

Q. Now, would you please listen to the question? Please read the question, Mr. Reporter.

(Question read.)

A. I don't recall how many times it would happen.

Q. (By Mr. Berke): Half a dozen times?

A. I don't recall.

Q. You don't recall at all?

A. I don't recall how many times a day it would happen.

Q. How many times a day?



(Testimony of Clarence E. Storey.)

A. How many times a day.

Q. It happened a number of times a day, is that right?      A. I don't recall.

Q. You don't recall?

A. It wasn't my job to keep the record of how many times I shut the machine off and on.

Q. I asked you whether it happened a number of times a day?      A. Yes.

Q. And it happened a number of days, is that right?      A. Yes.

\* \* \* \* \*

Q. (By Trial Examiner): During your cross examination, you testified to certain things that you did. Sometimes when you [1080-8] took a little break between dumping apples, and you made a statement that you would look over the line and see how the apples were. Did you do that for some reason?

A. I would, not in particular, just only that bad bitter pit, and I would see how the apples were piling up on the table, getting ahead of the trimmers all the time. To see how bad they were swamped.

Q. Well, wouldn't the mirror tell you that?

A. This was inside the cannery, I was outside.

Q. Well, would you say that was part of your job to tell how badly they were swamped?

A. No.

Q. Did it help you in any way in performing your job?      A. No.

Q. Just a matter of curiosity?

A. That's right. [1080-9]

\* \* \* \* \*

## MARJORIE BYRD

a witness called by and on behalf of the General Counsel, National Labor Relations Board, being first duly sworn, was examined and testified as follows: [1080-12]

\* \* \* \* \*

## Direct Examination

Q. (By Mr. Magor): Were you ever employed by the Sebastopol Apple Growers Union?

A. Yes.

Q. Do you recall when it was that you were first employed by that company?

A. Around September 20th.

Q. Of what year? A. '53.

Mr. Berke: Could you keep your voice up just a little, please?

The Witness: I will try.

Q. (By Mr. Magor): Now, do you know the company as SAGU or Molino? A. Molino.

Q. And if I refer to Molino during the course of your testimony, you understand that I am referring to the Sebastopol Apple Growers Union?

A. Yes.

Q. How long did you work during the 1953 season?

A. I worked until November, I think. [1080-13]

\* \* \* \* \*

Q. Did you go back to work at all at the company after that, at any time? A. Yes.

Q. Do you recall when that was?

A. The next season.

Q. And do you recall when it was that you went

(Testimony of Marjorie Byrd.)

to work?           A. July 15th, I think.

Q. And that is 1954?           A. '54. [1080-14]

Q. Which shift were you working on, at that time?           A. Day.

Q. Who was your floorlady?

A. Edna Hardin.

Q. What job did you have during the '54 season?           A. Trimming.

Q. Did you do anything besides trimming?

A. Yes.

Q. What other jobs did you perform?

A. Slicing and sorting.

Q. Did you sign any union authorization or pledge card at any time during the '54 season while you were working at SAGU?           A. Yes.

Q. Do you recall when that was to the best of your recollection?

A. Around August the 4th, I think.

Q. What did you do with the card after you signed it?           A. I mailed it.

Q. To whom?           A. Sebastopol.

Q. To whom?           A. I don't remember that.

Q. Did you mail it to the union?           A. Yes.

Q. I show you General Counsel's Exhibit No. 28, in evidence, [1080-15] would you look at that very carefully? Have you had a chance to look at it?           A. Yes.

Q. Other than the writing on this card, which is in ink, was the card you signed similar to this?

A. Yes.

Q. Do you know Mrs. Storey?           A. Yes.

(Testimony of Marjorie Byrd.)

Q. Orice Storey?            A. Yes.

Q. Are you a friend of hers?            A. Yes.

Q. Did you know her when she was working at the Sebastopol Apple Growers Union?

A. Yes.

Q. Do you know that she was discharged?

A. Yes.

Q. Do you know of your own recollection, the day she was discharged?

A. Around September 25th.

Q. Did you see her out at the plant at any time after that?            A. Yes.

Q. Do you recall when that was?

A. It was a Monday, she was fired on a Saturday, and it was the Monday. [1080-16]

Q. It was the following Monday?            A. Yes.

Q. Were you present when any conversation took place between her and any representative of the company?            A. Yes.

Q. Do you recall who was present?

A. Mr. Storey and Mrs. Storey and Mr. Martini and another gentleman I don't know his name.

Q. Were you present?            A. Yes.

Q. Where did the conversation take place?

A. In front of the main entrance of the cannery.

Q. What time of day was it?

A. Around noon.

Q. Will you tell us to the best of your recollection today, what was said and who said it?

A. Mrs. Storey asked Mr. Martini if she was fired, and he said, "Yes," and she asked for what

(Testimony of Marjorie Byrd.)

reason, and he said she was forming committees on the night shift, and he said he didn't want to hear any more about it.

Trial Examiner: Will you read the answer, I did not hear it.

(Answer read.)

Q. (By Mr. Magor): When Mr. Martini said that she was fired for starting a committee on the night shift, did Mrs. Storey [1080-17] say anything, do you recall?      A. For what reason.

Q. What else was said if anything?

A. That's all I can recall.

Q. What did you do then?      A. We left.

Q. Did you wear any union button during the time you were working for the company?

A. Yes.

Q. Do you recall when it was that you got the union button?

A. Two days before we were laid off.

Q. Do you recall where you obtained the union button?      A. At a union meeting.

Q. I show you General Counsel's Exhibit 31 in evidence, and ask you to look at it carefully. Is the button that you received similar to that?

A. Yes.

Q. How many buttons did you have?

A. Two, I think, two.

Q. Two of them?      A. Yes.

Q. Where did you wear them?

A. On my collar.

Q. Did you wear them at work?

(Testimony of Marjorie Byrd.)

A. Yes. [1080-18]

Q. When were you laid off during the '54 season, do you recall the date of that?

A. October 15th.

Q. Was that at a meeting, that you were laid off?      A. Yes.

\* \* \* \* \*

Q. During the time that you were working for the company, did you observe anything unusual about the apples?      A. About the apples?

Q. Yes, did you ever notice them decorated or anything?      A. Yes.

Mr. Berke: I didn't get that, I object to it as leading and suggestive.

Trial Examiner: Let me hear that question.

(Question read.)

Trial Examiner: Overruled.

Q. (By Mr. Magor): Did you ever decorate apples yourself?      A. Yes.

Q. Do you recall when it was? [1080-19]

A. All the time I was there.

Q. All the time you were there?      A. Yes.

Q. Would you explain so the Trial Examiner will understand what you did or how you decorated the apples?      A. We put faces on them.

Q. And where would you obtain the apples that you put faces on?      A. Out of the water.

Q. What job did you hold at the time you did it?      A. Trimming.

Q. How would you put the faces on the apples?

A. With the trimming knife.

(Testimony of Marjorie Byrd.)

Q. And tell us exactly what you did.

A. Oh, you make eyes and noses and a mouth on an apple.

Q. How many times did you do that?

A. A lot of times.

Q. Was it a dozen times, half a dozen?

A. A dozen.

Q. And what would you do after you decorated the apple, what would you do with the apple?

A. I sat it above the flume.

Q. And when you say "above the flume," what are you referring to?

A. The flume that carries the apples down and we throw the [1080-20] trimmed apples in.

Q. Did any representative of the company ever speak to you or talk to you about such apples?

A. Yes.

Q. Who was it?                   A. Mrs. Hardin.

Q. That is Edna Hardin?       A. Yes.

Q. Was she the floorlady at the time?

A. Yes.

Q. Can you recall what she said about them?

A. She said they were cute.

Q. Do you recall when that was that she said that?

A. Well, any time she saw them.

Q. Did she say it once or more than once.

A. More than once.

Q. How long was it after you started working for the company in the '54 season that she said this to you?

(Testimony of Marjorie Byrd.)

A. A couple of weeks, I would say.

Q. Was anybody else present at the time?

A. Yes.

Q. Who?                    A. Mrs. Storey.

Q. Now, did you ever notice anything unusual put in the water at any time? [1080-21]

A. Yes.

Q. What?

A. A rubber mice and balls and apples tied together.

Q. Now, let us take the rubber mice, do you know when that was?                    A. I don't know when.

Q. Do you know who put it in the water?

A. No, I don't know.

Q. Did you see it in the water?

A. No, I didn't see it in the water.

Q. Did you talk to any representative of the company about it?                    A. No.

Q. Did you say you saw a rubber ball in the water?                    A. Yes.

Q. Do you know who put it in there?

A. Mrs. Storey.

Q. Do you recall when that was?                    A. No.

Q. Was it during the '54 season?                    A. Yes.

Q. Was anything said by management—any representative of management with respect to the rubber ball?                    A. No.

Q. And what else did you observe besides the rubber ball?

A. Mrs. Storey cut up an apple one time, and the floorlady [1080-22] said it was cute.



(Testimony of Marjorie Byrd.)

Q. Do you recall when it was?

A. I don't remember the day.

Q. Was it during the '54 season? A. Yes.

Q. What did she do?

A. She made a square apple out of it, the floorlady said it was cute, and Mrs. Storey said that she had done it, and the floorlady said no she didn't do it, we argued with her.

Q. And what happened to the apple?

A. We just run it through the trimmer.

Q. Who did you argue with about it?

A. The floorlady.

Q. And who was the floorlady?

A. Edna Hardin.

Q. Do you know where Mrs. Storey got the apple that she cut?

A. Out of the flume, I imagine.

Q. Will you describe how the apple looked?

A. It was just a cored apple, squared like a block.

Q. Have you ever put a core back in an apple?

A. Yes.

Q. And would you describe for the Trial Examiner what you have done in that respect?

A. Well, we just put the core back in.

Q. Where back in? [1080-23]

A. Back in the core hole.

Q. And where would you get the apple that you did this to? A. It come from the peeler.

Q. What did you do with the apple after you did that? A. Put it in the flume.

(Testimony of Marjorie Byrd.)

Q. And was anything said to you by the management with respect to that?      A. No.

Q. How often did you do it?

A. Not too often.

Q. Have you ever observed apples other than the one you have done that with the core, put back in the flume?      A. Yes.

Q. Where did you observe it?

A. Going down the flume.

Q. And you say, "Going down the flume," will you explain what you mean by that?

A. The flume that we put the cleaned apples in.

Mr. Berke: Might I suggest that Mr. Magor try to bring his voice up? It sounds like he is getting intimate, and we are having an awful lot of trouble hearing.

Trial Examiner: I do not know about the intimate part, but raise your voice, if you will, Mr. Magor, it makes a good example for the witness, at least.

Mr. Magor: All right, could I have the last question and [1080-24] answer please?

(Question and answer read.)

Q. (By Mr. Magor): Is that the part that you are referring to?      A. Yes.

Q. Would you please answer yes or no to a question, rather than nod your head?      A. Yes.

Q. And where would they go when you saw them going down the flume, where would the apples go from there?

A. They go into the squirrel cage.

(Testimony of Marjorie Byrd.)

Q. How many apples have you observed with the core inserted in them, during the time you worked for the company in the '54 season?

A. A lot of them.

Q. Have you ever been instructed, or anybody else, any other employee, any employee in your presence instructed or warned by any representative of management with respect to decorating apples or putting cores back into them?

A. No.

Q. During the '54 season, at any time did that occur?

A. Not at any time, I don't recall.

Q. Would you describe how the apples looked that you put a core back in?

A. You just put the core back in the apple.

\* \* \* \* \*

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): Do you know when it was that you saw Mrs. Storey put the rubber ball in the flume? [1080-27] A. I don't recall.

Q. Can you give us the month?

A. I imagine it was August.

Q. Of last year? A. Yes.

Q. Of 1954? A. Yes.

Q. Now, you say that nothing was said by management about that, is that right?

A. That's right.

Q. Did anyone representing management see her do it to your knowledge? A. No.

(Testimony of Marjorie Byrd.)

Q. Now, you say that you put a core back in an apple or was it more than one apple?

A. More than one apple.

Q. About how many apples did you put the core back into that you recall?

A. I don't recall.

Q. Can you give us some idea?

A. A dozen.

Q. Pardon me? A. A dozen.

Q. Was this all on the same day or over a period of some time?

A. No, all during the season. [1080-28]

Q. A dozen throughout the season?

A. Yes.

Q. And you say that nothing was said to you by management about that? A. No.

Q. To your knowledge, did anyone see you doing that, representing management? A. No.

\* \* \* \* \*

Q. During 1954, did you see apples with cores in them when they came off the peeling machine?

A. Yes.

Q. Now, it is true, is it not, that apples would come off the peeler, where the peeler had not taken the core out, is that right? A. Yes.

Q. Would that be because the apple was soft, do you know? A. I don't know why.

Q. In any event, you saw a number of apples that came off the peeler, where the peeler had not taken the core out during 1954, is that right?

A. Yes.

(Testimony of Marjorie Byrd.)

Q. Now, on the occasion when you say you were present with Mr. and Mrs. Storey and Mr. Martini and another man, that was when?

A. September 27th.

Q. That was on Monday, was it not?

A. Yes.

Q. And do you remember in that conversation, Mrs. Storey asking Mr. Martini if she was fired for union activities?

A. No, I don't recall her saying that.

Q. You do not recall her saying that?

A. No.

Q. Would you definitely say she did not say that?

A. I would not definitely say that.

Q. You would not definitely say that? [1080-30]

A. No.

Mr. Magor: I am going to move and object to that question, that it assumes facts not in evidence, and I move to strike the answer.

Trial Examiner: I will let it stand.

Q. (By Mr. Berke): What time of day was it that this conversation took place?

A. It was during our lunch hour.

Q. When was your lunch hour?

A. 12, I think.

Q. Pardon me?

A. I think it was at 12:00, I am not sure.

Q. Your lunch hour was right at 12?

A. I don't recall.

Q. Pardon me?

(Testimony of Marjorie Byrd.)

A. I don't recall whether it was 12 or not.

Q. 12:00 till 1:00, was that your lunch hour or when was it?      A. I don't recall.

Q. And you don't recall who the other man was that was with Mr. Martini?      A. No, I don't.

Q. Have you discussed this case with Mr. and Mrs. Storey?      A. Yes.

Q. At their home?      A. Yes. [1080-31]

Q. And have you discussed what your testimony was going to be here?      A. No.

Q. What did you discuss about this case with them?      A. We just talked about it.

Q. Well, what did you talk about?

A. What it was going to be like.

Q. Pardon me?

A. What it was going to be like.

Q. What else?      A. Well, that's all.

Q. Well, can you tell me the conversation?

A. No, I don't recall what was said.

Q. You do not recall what was said?

A. No.

Q. Did you talk about it more than once?

A. Yes.

Q. When was the first time?

A. I don't recall.

Q. When was the second time?

A. I don't recall.

Q. When was the last time?

A. I don't recall.

Q. Pardon me?      A. I don't know. [1080-32]

(Testimony of Marjorie Byrd.)

Q. You don't know. By the way, whose ball was it that was put in the flume by Mrs. Storey?

A. I don't know.

Q. Do you know where the ball came from?

A. No.

Q. As a trimmer in 1954, your job required you to take cores out of apples, did it not?

A. No.

Q. No? A. You didn't have to.

Q. It was all right for apples—

A. If they accidentally got in the water it was all right.

Q. I don't understand, Mrs. Byrd, if they accidentally got in the water?

A. That was all right, I mean, they never said anything about it.

Q. Did you understand that your job, as a trimmer, did not include picking up apples with cores in them and taking the cores out? A. No.

Q. That was not part of your job?

A. Repeat the question please?

Mr. Berke: Will you read the question?

Mr. Magor: I object to the question as being vague and indefinite and ambiguous. [1080-33]

Mr. Berke: Would you answer, please?

Mr. Magor: Before she answers, I have another objection on the ground it is unintelligible.

Trial Examiner: The witness may answer.

A. No.

Q. (By Mr. Berke): Well, what was your job as a trimmer, as you understood it?

(Testimony of Marjorie Byrd.)

A. To trim the blossom end and the stem end. And any peeling that was left on the apple.

Q. I see, and if you picked up an apple that had a core in it and there was still some peel on the blossom end and stem end all you would do was take the peeling off the stem end and blossom end and let the apple go down the flume with the core in it?      A. No.

Q. What would you do with the apple that you picked up to trim that had a core in it?

A. Take it out.

Q. Well then, it was part of your job to take the core out of the apple, was it not?

A. Not specifically.

Q. You mean you could do it when you felt like it?

A. They sometimes still went through with the core.

Q. You mean by that, if it escaped you it went through?      A. Yes. [1080-34]

Q. But was it not a part of your job to try to prevent those apples from going by?      A. Yes.

Q. And even though it was a part of your job to prevent an apple from going by, with the core in it, some did get by?      A. Yes.

\* \* \* \* \*



ELOYCE MOUNGER

a witness called by and on behalf of the General Counsel, National Labor Relations Board, being first duly sworn, was examined and testified as follows: [1080-35]

\* \* \* \* \*

Direct Examination

Q. (By Mr. Magor): Mrs. Mounger, were you ever employed by the Sebastopol Apple Growers Union? A. Yes.

Q. Do you recall when you were first employed by the company? A. The season of '53.

Q. During the time that you worked for the company, were you married? A. No, sir.

Q. Since leaving, have you become married? A. Yes.

Q. What was your name before you were married? A. McPhee.

Q. How do you spell that?

A. M-c P-h-e-e-.

Q. You say that you were first employed by the company in '53? A. Yes.

Q. Do you recall what month you first went to work for the company? A. July.

Q. What shift were you working on at that time? A. The night shift.

Q. Did you work throughout the '53 season?

A. No, I worked until September, until I went back to school, around September. [1080-36]

Q. About when? A. In September.

Q. Do you recall when in September?

A. Around the 13th.

(Testimony of Eloyce Mounger.)

Q. Did you stop working at that time?

A. Yes.

Q. To return to school, you say?      A. Yes.

Q. Did you work during the '54 season at all?

A. Yes.

Q. Can you recall when it was that you went to work during the '54 season?

A. July of '54, the first day they started.

Q. It was the first day they started?

A. Yes.

Q. And can you recall what day it was, to the best of your recollection today?      A. July 16th.

Q. What type of crew was working at the time, when you went to work in 1954?

A. A skeleton crew.

Q. And how long did they have a skeleton crew?

A. I started on a Thursday, and on Monday they had a full crew.

Q. During the time that you were employed by the company in [1080-37] the '54 season, did you sign any union authorization or pledge card?

A. Yes.

Q. Do you recall, to the best of your recollection today, the date?      A. September 2, 1954.

Q. And what did you do with the card after you signed it?

A. Sent it to the Teamsters Union.

Q. I show you, Mrs. Mounger, an Exhibit in evidence, it is General Counsel's Exhibit No. 28, and ask you to look at that?      A. That's right.

(Testimony of Eloyce Mounger.)

Q. Was the card that you signed similar to this card?  
A. Yes.

Q. Which shift were you working on in the '54 season?  
A. Day shift.

Q. Did you continue to work on the day shift all the time you worked for the company during the '54 season?  
A. Yes.

Q. Did you work full time all the time?

A. No.

Q. Did you work part time at any time?

A. After school started in September, I worked part time. [1080-38]

\* \* \* \* \*

Q. Did you, or were you present at any time when Mr. Martini discussed Mrs. Storey?

A. Yes.

Q. Do you recall when it was?

A. The day she was fired.

Q. The day she was fired? [1080-41]

A. Yes.

Q. Where were you at the time?

A. In the office.

Q. And what office are you referring to?

A. Mr. Martini's.

Q. Was anybody else with you at the time?

A. Joan Chames.

Q. Do you know what day of the week it was?

A. Saturday.

Q. What time of day were you in the office?

A. At noon.

Q. Was anybody else present in the office?

(Testimony of Eloyce Mounger.)

A. The man to whom he was speaking and a couple of secretaries.

Q. Do you know the names of the secretaries?

A. No, I don't.

Q. You say the man to whom he was speaking, do you remember that Mr. Martini was speaking to someone?      A. Yes.

Q. Do you know that man's name?

A. No, I don't.

Q. Will you tell us today, to the best of your recollection, what you observed and what you saw and heard on that occasion?

A. Joan and I went into the office and just as we got in the door, Mr. Martini came in in a rush, in a huff, he slammed the [1080-42] little door and he walked over to this man in quite a big hurry, and he started screaming, he said, "That damn Storey woman," he said, she's always talking about the union, he said, "I am going to get rid of her," he said, "I'd rather see the place closed down than see it go union."

Q. Will you describe his voice as he talked?

A. Well——

Mr. Berke: Just a minute, I will object to that as characterization.

Trial Examiner: Well, if she sticks with the physical aspects of it, I will permit it.

Q. (By Mr. Magor): Will you describe it?

A. Well, as he walked in the door, he threw the gates—he slammed it—he walked over, and he was using a high pitch of tone, and he was sort of

(Testimony of Eloyce Mounger.)

going at his hair like that (indicating) and his face was flushed, and he was really going at it——

Mr. Berke: Now just a moment, I object——

Trial Examiner: I will let it stand.

Mr. Berke: Well, his face was flushed, is that part of his voice?

Trial Examiner: Counsel could bring it out by a question, I want the whole story.

Q. (By Mr. Magor): What else was said if anything, at that time?

A. About that time the secretary came over and we got out, [1080-43] because that was just overheard.

Q. I see. A. We left then.

Q. And what was the last day in which you worked, Mrs. Mounger, in 1954?

A. October 15th.

Q. What occurred on the last day you worked for the company, did you work a full shift?

A. No, I wasn't working full shift then.

Q. Was there any meeting held on that day?

A. Yes.

Q. Where was the meeting?

A. It was held in the warehouse.

Q. And how were you informed of the meeting?

A. About 15 minutes before that, we got—some one passed along the word that there was going to be a meeting in the warehouse, and that everybody should be there, and that we got paid for it.

Q. And did you attend that meeting yourself?

A. Yes.

(Testimony of Eloyce Mounger.)

Q. Who else was with you?

A. The night shift, the day shift, what do you mean?

Q. What representatives of the company were there?

A. Mr. Bondi and Martini and Mr. McGuire.

Q. Tell us what occurred. In other words, tell us what was said and who said it? [1080-44]

A. Mr. Bondi got up and he read a little thing about the Board had met and that they didn't have enough apples and that the warehouses were filled to capacity and that they wouldn't be able to go on having two shifts and he thanked us for working, that was all he said. Then Mr. Martini got up and he was talking and he said that Mr. McGuire would read the names that would stay on with the company and they were to report to work Monday morning, and he said if your name wasn't on the list to turn in your caps and aprons and go to the office and you would get your refund of a dollar and a quarter.

Q. What happened then?

A. Then Mr. McGuire read the names.

Q. Was your name read?            A. No.

Q. What occurred then?

A. After the meeting, I went up to Mr. McGuire and asked him if my name was on the list, and he said, "I am sure that it was," and I said, "Can I see it?" and he said, "Somebody else has got it."

Q. What happened then, what did you do and what did you observe?

(Testimony of Eloyce Mounger.)

A. Then everybody was standing around and talking, so we went over there, Joan and I——

Q. This is Joan Chames? [1080-45]

A. Yes, and we went over and started talking to them, and everybody was in a confused state——

Mr. Berke: Just a moment, I move that that be stricken as to everybody in a confused state.

Trial Examiner: Strike the confused state.

Q. (By Mr. Magor): Describe what was said and describe what you heard?

A. Well, everybody—well, first of all—it was said at the meeting that everybody that was left to go to work, they were going to choose by seniority, not by previous years, but the people that started there at the beginning of the season, and just about everybody that started at the beginning of the season was laid off, and the ones that had been only working there two or three weeks or a month, were the ones that they kept on, and then a lot of them were night help too and they were confused of whether or not they were supposed to go to work that night, because of the way Mr. Martini said that if your name wasn't on the list to go turn in your aprons and caps so some of them started going off, so some of them asked Mr. McGuire if they were supposed to work, and he said, "Yes," and they started getting around the word that they were supposed to work.

Mr. Berke: I will object to that, Mr. Trial Examiner, and move that all that answer be stricken as unresponsive. It was to tell what was said, and

(Testimony of Eloyce Mounger.)

instead of telling what was said, [1080-46] she related that everybody was confused, and they said, and is clearly not responsive, and I move that it be stricken.

Mr. Magor: I asked what was observed—what was said and what was observed.

Trial Examiner: The motion is denied.

Mr. Berke: You are going to let it stand?

Trial Examiner: Yes, the whole statement.

Q. (By Mr. Magor): Now, did some of the employees leave?      A. Yes, the night shift.

Q. They left?      A. Yes. [1080-47]

\* \* \* \* \*

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): What were you doing in Mr. Martini's office on the day you say you heard him come in and slam the door and complain about Mrs. Storey? [1080-49]

A. I can't recall what I went in there for, no.

Q. Did you frequently go in there? Into Mr. Martini's office?

A. When I had something to do I went in there.

Q. Did your work take you in there?

A. No, sir.

Q. What did you have to do on that day that you went in there?      A. I can't remember.

Q. When was it?      A. On September 25th.

Q. You remember that date exactly?

A. Yes.

Q. But you can't remember why you were in there?      A. No.



(Testimony of Eloyce Mounger.)

Q. What was Joan Chames doing in there?

A. We went in there together.

Q. And did both of you have some purpose for going in there?

A. Either she went in there with me, or I went in there with her, we were always together.

Q. What did you go in together for?

A. I don't—I told you I don't know.

Q. You started working on July 16, 1954?

A. Yes.

Q. You remember that date specifically?

A. Yes. [1080-50]

\* \* \* \* \*

Q. At this meeting that took place on October 15th in the warehouse, do you recall who spoke first at that meeting?

A. As far as I can remember, I think Mr. Bondi did. No, Mr. Bondi said Mr. Martini had a letter to read.

Q. So Mr. Martini spoke then?

A. So far as I can remember.

Q. And then Mr. Bondi followed him?

A. Yes.

Q. Who spoke after Mr. Bondi?

A. Well, I think it was Mr. Martini. [1080-53]

Q. You say you think?

A. All I know, that Mr. Bondi read a letter and Mr. Martini was there, and he spoke, and I remember Mr. McGuire speaking, and I mean—to place them in order, I couldn't.

Q. You cannot do that?           A. No.

(Testimony of Eloyce Mounger.)

Q. Did Mr. Bondi read from anything?

A. He read a letter.

Q. He read a letter, and did Mr. Martini read from anything?

A. Not that I can remember, no.

Q. I show you General Counsel's Exhibit 25 in evidence, which is a letter dated October 14, 1954, does that refresh your recollection that Mr. Martini read that letter?

A. Sorry, Mr. Bondi read that.

Q. Mr. Bondi read this?      A. Yes.

Q. Are you sure of that?

Mr. Magor: Just a moment, I am going to object on the ground it is argumentative.

Trial Examiner: Overruled.

A. That was almost——

Q. (By Mr. Berke): Just a moment please, I asked you if you were sure that Mr. Bondi read that letter that I have showed you?

A. So far as I can remember. [1080-54]

Q. My direct question is are you sure Mr. Bondi read it?      A. I am not sure.

Mr. Magor: I move to strike the answer.

Trial Examiner: Motion denied.

Q. (By Mr. Berke): Now, you say that Mr. Martini said that Mr. McGuire would read the names of those who were to remain and if your name was not on the list to turn in your caps and aprons and you would get a dollar and a quarter?

A. Yes, sir.

(Testimony of Eloyee Mounger.)

Q. That is all Mr. Martini said on that occasion?

Mr. Magor: Just a moment—

Mr. Berke: Do you have an objection, counsel?

Mr. Magor: I withdraw it.

Trial Examiner: Answer the question.

A. His exact words?

Q. (By Mr. Berke): Yes, were those his exact words?

A. So far as I can remember they are.

Q. Those were the exact words, is that right?

Mr. Magor: I objection on the ground that it is argumentative again.

Trial Examiner: I will sustain the objection. It is repetitious.

Q. (By Mr. Berke): Are you telling us, is this your testimony that you remember Mr. Martini's exact words at that meeting on October 15th?

Mr. Magor: I object on the same ground as before, as being argumentative. [1080-55]

Trial Examiner: I will permit that, you may answer it.

A. What was it?

Trial Examiner: Is that your testimony that you remember the exact words?

The Witness: So far as I can remember it is his exact words.

Q. (By Mr. Berke): Now, after the meeting, you say that Mr. McGuire told the people that they were to work that night?

A. He didn't tell a mass of people, no.

(Testimony of Eloyce Mounger.)

Q. Who did he tell?

A. Someone asked, and I don't remember who it was.

Q. Someone in that same group that you said were confused?      A. Yes.

Q. How many people were there around at the time?      A. I can't give the exact number.

Q. Well approximately?      A. 10—12.

Q. I see. Do you know whether they worked the night shift or the day shift?

A. Some of them worked nights and some of them worked days.

Q. And you heard him tell that group that they were to work the night shift?

A. Not that group, somebody.

Q. What person? [1080-56]

A. One person asked.

Q. And that one person was in this group of 10 or 12, is that right?      A. Yes. [1080-57]

\* \* \* \* \*

ELSIE ELIZABETH DICKERSON

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

\* \* \* \* \*

Q. (By Mr. Magor): Mrs. Dickerson, were you ever employed by Sebastopol Apple Growers Union, the Respondent herein?      A. Yes.

(Testimony of Elsie Elizabeth Dickerson.)

Q. When were you first employed by that Company?  
A. In '53. [1086]

\* \* \* \* \*

Q. Now, when you went back to work for the Company in 1954, sometime in July, you say, what job did you have at that time?  
A. Trimmer.

Q. Who was your floorlady when you started to work?  
A. Edna Hardin.

Q. Was she your floorlady all the time that you worked for the Company in '54?  
A. No.

Q. Did you have floorladies other than Edna Hardin?

A. Well, there was Eva Lee for a short period of time, and a girl, lady, by the name of Elicia for a short time, and then Edna—Ella Herrerias.

Q. I see. Was Elicia's last name Unciano?

A. I don't remember her last name.

Q. What is the last day on which you worked for the Company in 1954?  
A. October 25th.

Q. Now, during the time that you were working for the Company in 1954, did you have the same job?  
A. No, I was put on the slicer.

Q. You were put on the slicer?  
A. Yes.

Q. Do you recall when you were put on the slicer? [1089]

A. I don't just remember. It was in September, because I would be called up in there once in a while for a day or two and then sent back to trimming again, and then I was put up there steady.

Q. Steady on the slicer?

A. On the slicer, yes.

(Testimony of Elsie Elizabeth Dickerson.)

Q. What shift were you working?

A. The day shift.

Q. Did you work the same hours on the day shift each day, or did they vary or what?

A. Well, in the beginning we were working seven till four, and then later on we were working eight till five.

Q. Now, did you sign any Union authorization or pledge card during the time you were working?

A. Yes, I did.

Q. During the time you were working for the Company in 1954?      A. Yes.

Q. Do you recall when it was that you signed such a pledge card?

A. It was the 4th of August.

Q. 1954?      A. 1954. [1090]

\* \* \* \* \*

Q. Do you recall when you first attended a Union meeting?

A. Well, it could have been in September.

Q. And how many Union meetings did you attend during the time that you worked for the Company?

A. Well, I think I attended all of them that they have had.

Q. Can you tell us approximately how many that would be, just during the time that you were—that you were working for the Company in 1954?

A. Well, it could have been five meetings.

Q. Where were these meetings held, if you can recall?

(Testimony of Elsie Elizabeth Dickerson.)

A. Well, at the Labor Temple in Santa Rosa. One was held at a Japanese church in Sebastopol, or a Japanese building of some sort, I believe it was, and then a little building across from [1092] the co-op in Sebastopol.

Q. Now, during the time that you worked for the Company during 1954, did a lay-off occur?

A. Yes.

Q. Do you recall when that was?

A. October the 15th.

Q. And did you attend that meeting yourself?

A. Yes.

Q. And how were you notified to go to the meeting?

A. I believe it was on the bulletin board in the cannery.

Q. I see. And where was the meeting held?

A. It was held in the old packing shed, across from where we were working.

Q. What time of day was it?

A. Four o'clock.

Q. Did you punch out before going to the meeting or what?

A. Yes, I think — now, I'm a little confused there, whether I came back and punched or whether I punched out when I went down. I don't remember.

Q. You don't recall. Were you notified — Strike that.

Were you laid off at that time, at that meeting?

A. No.

(Testimony of Elsie Elizabeth Dickerson.)

Q. After the meeting, will you tell us what occurred, or what you observed?

A. After the meeting? [1093]

Q. Yes.

A. Well, as I left to go to the car, I noticed three girls standing in a group, and they seemed to be kind of confused from what I gathered as to whether they were to go back to work that night or whether they were to go home.

Mr. Berke: Just a moment. I move that be stricken, "they seemed confused as to whether or not"—

Trial Examiner: I will strike the conclusion.

Q. (By Mr. Magor): Just describe what you saw and what you heard, Mrs. Dickerson, and what was said.

A. Well, they were just standing there, and I don't remember just how I heard it, but it was—they said they didn't know whether to go back to work or to go home.

Q. Do you recall anything else that was said?

A. No, because I was in a hurry to get to the car, to get home.

Q. Do you know their names?

A. No, I don't even know who the girls were.

Q. Did you wear a Union button at any time while you were working for the Company?

A. Yes.

Q. Do you recall when it was that you first started wearing a Union button?



(Testimony of Elsie Elizabeth Dickerson.)

A. Well, we got them on a Wednesday, and I wore mine on Thursday, the following Thursday.

\* \* \* \* \*

Q. Did you wear your button up until the time that you were discharged, if you recall?

A. I don't recall whether I wore it clear to the time that I was discharged. [1095]

\* \* \* \* \*

Q. Now, the National Labor Relations Board held an election at the Company on October 19th, 1954. Do you recall that date?           A. Yes.

Q. Do you recall the election?

A. Yes. [1096]

\* \* \* \* \*

Q. I see. Now, you say the last date you worked for the [1097] Company was October 25th, is that correct?           A. That's right.

\* \* \* \* \*

Q. Did anything unusual occur after the time—on the last day that you worked, after—

A. Yes.

Q. —completing work?

A. I was fired.

Q. And tell us what occurred.

A. Well, I was on the slicer, and as I came down from the slicer Ella walked up to me and she put her arm around me and she says, "I have to do something that I don't like to do, I have to let you go," and I said, "Why?" and she said, "You were seen putting—making holes in an apple, and you put a core in it and you put it in the water,

(Testimony of Elsie Elizabeth Dickerson.)

and it got to the office.” And I said, “Yes, I did, but” I said, “don’t worry about it because I expected it.” And she said, “I am glad that you are taking it this way.”

Q. What occurred then? [1098]

A. Well, then I walked around and I met a friend of mine and I stopped to speak to her for a second, and then I went over and punched out.

Q. And who was this friend?

A. Isabel Ameral.

Q. And was Ella Herrerias present when you were talking to Isabel Ameral?

A. Not that I know of.

Q. What did you say, if anything, to Isabel Ameral?

A. I told her that I had just been fired for decorating an apple.

Q. Now, you say that you told Ella Herrerias, “Don’t worry about it, I expected to be fired”?

A. Yes.

Q. Why did you say that?

A. Because I——

Mr. Berke: Just a moment. I am going to object to that.

Trial Examiner: Overruled.

Mr. Magor: Go ahead.

Trial Examiner: Go ahead.

A. (Continuing) ——Because I had been picked as observer, I felt as though I would be fired.

Mr. Berke: I am going to move that that be

(Testimony of Elsie Elizabeth Dickerson.)

stricken, what she felt. There is no basis for it other than a feeling on her part. [1099]

Trial Examiner: I take it that means belief. I will deny the motion. [1100]

\* \* \* \* \*

Q. (By Mr. Magor): You say you went back to the plant after October 25th, 1954? [1103]

A. Yes.

Q. What was your purpose in going back to the plant?

A. To turn in my cap and apron, and to get my check.

Q. Did you receive your check at that time?

A. Yes, sir.

Q. And how long after October 25th was this, to the best of your recollection today?

A. Well, let's see, must have been around the 30th of October.

Q. Did you see Ella Herrerias at that time?

A. Yes.

Q. Did any conversation take place between the two of you?

A. She just asked me how I was, and I said all right, and she said that my check was in the office. [1104]

\* \* \* \* \*

Q. (By Mr. Magor): Getting back to the last day that you worked, do you recall the exact date that that was, the day you were discharged?

A. Well, I think it was the 25th of October.

Mr. Magor: I will stipulate to the 25th.

(Testimony of Elsie Elizabeth Dickerson.)

Mr. Berke: Yes, we will stipulate to it.

Trial Examiner: All right.

Q. (By Mr. Magor): Getting back to the last day you worked again, Mrs. Dickerson, what job were you working on on that day?

A. On the slicer.

Q. And did you work anyplace else other than the slicer? A. Trimming.

Q. Trimming. And do you recall when it was that you worked as a trimmer, what time of day?

A. It was after lunch.

Q. After lunch. Did you change places with anybody at that time? [1105] A. Yes.

Q. And do you recall who it was?

A. Ruth Deal.

Q. Ruth Deal. Did you get permission from Mrs. Herrerias to change places? A. Not that day.

Q. Not that day; you just went over and changed places with Miss Deal, or Mrs. Deal?

A. Mrs. Deal, I believe.

Q. Had you worked over in the trimming line prior to that time, while Ella Herrerias was floor-lady? A. Yes.

Q. And when was that, with relation to the last day you worked?

A. Well, that was just, oh, a few days before.

Q. I see. Did you ask for permission at that time? A. Yes.

Q. Who did you ask for permission?

A. Ella Herrerias.

Q. Did she give you permission? A. Yes.

(Testimony of Elsie Elizabeth Dickerson.)

Q. Now, how long after lunch was it that you went over to the trimming section?

A. I believe I went over there directly after lunch.

Q. Did you work there the full afternoon?

A. No. [1106]

Q. How long did you work there?

A. Until around three o'clock. [1107]

\* \* \* \* \*

Q. I ask you, Mrs. Dickerson, whether on this date you did anything to an apple?      A. Yes.

Q. And what time of day was it, to the best of your recollection?

A. Oh, it would be around 2:30.

Q. Was that when you were working on—  
What do you call it? The trim line?

A. Trim line.

Q. I see. Was that when you were working on the trim line?      A. Yes.

Q. Will you tell us what you did to an apple?

A. Well, I took an apple and I trimmed it first as it should be trimmed, then I put four holes around the apple and I put a [1109] core partially in one of those holes, and I put it in the water.

Q. Did you see what happened to the apple after you did that?

A. No, I dropped it in and let her go.

Q. Where did you obtain the apple that you did this to?      A. It came down on our table.

Q. When you speak of coming down on a table,

(Testimony of Elsie Elizabeth Dickerson.)

will you explain that so the Trial Examiner will understand that?

A. Well, the trimmers stand on the other side—the peelers stand on the other side of the trimmers, and they peel, and the apples fall down to the trimmers on a tray, and we trim them there.

Q. How many trimmers are there to a peeler?

A. One.

Q. Did you observe what happened to this apple after that, or did you see it again that day?

A. No.

Q. Was anything said about it up until the time that— Strike that.

Did anybody say anything about that apple?

A. No.

Q. I show you an apple, Mrs. Dickerson, and I ask you if at my request you fixed that apple in that condition? A. Yes.

Q. Did I ask you to fix the apple similar to the way the apple was on the day that you did that to the apple at work? [1110] A. Yes.

Q. Is that the way it looked?

A. That is the way.

Q. That is the position that the core was after you put it in the apple? A. Yes.

Q. And which part is the top and which the bottom of the apple?

A. This is the top, this is where the core goes through, the core that belongs in it.

Q. I see. Has the core been taken out of the apple? A. Yes.

(Testimony of Elsie Elizabeth Dickerson.)

Q. By the machine?           A. Yes.

Q. I see. And then what holes did you put into it?

A. I put this one and this one and this one and this one.

Q. That's four holes in the side of the apple?

A. Yes.

Trial Examiner: Do they go all the way through? I can't see.

The Witness: Yes.

Q. (By Mr. Magor): Where did you obtain the core?

A. On the table where I was working.

Trial Examiner: May I just say for the record that these four holes are really two horizontal cylinder holes, driven [1111] through the apple, is that correct, at right angles to each other?

Mr. Magor: I think that accurately describes it.

Q. (By Mr. Magor): How did you put the holes in there yourself?           A. With a knife.

Q. With a knife?           A. Yes.

Q. And how far was the core protruding from the apple?           A. Just about like that.

Q. That would be about how far? How far would your estimate on that be?

A. About an inch.

Q. About an inch.

Trial Examiner: Are you offering that in evidence?

Q. (By Mr. Magor): Now, how many apples did you do that to on this last day that you worked?

(Testimony of Elsie Elizabeth Dickerson.)

A. One.

Q. One. The day before October 25th, were you working on the trim line?      A. The day before?

Q. The day before you were discharged, were you working on the trim line?

A. I don't recall working on it the day before. I worked two days, but I don't remember whether they were in succession or not. [1112]

Q. Well, let's get at it this way. After the lay-off, or during the time Ella Herrerias was there, how often did you work over on the trim line, how many times?      A. Twice.

Q. Twice. Now, at any other time while Ella Herrerias was floorlady, did you do anything to the apples similar to the one that you did on this day?

A. No, no.

Q. Where do these apples go after you put them in the water?

A. Well, they go on down the trough until they drop into what is called the squirrel cage, and there they go around in a cylinder and they are washed, and then they go onto another table.

Q. I see. And I believe the squirrel cage is indicated on that diagram, is it not?

A. Right here.

Q. Are there any inspectors located at any point past where you were on that date, October 25th?

A. Any inspectors past where I was?

Q. Yes.

A. Just the girls that were trimming.

Q. Where are they located?



(Testimony of Elsie Elizabeth Dickerson.)

A. On down the line, straight on down from me, from where I was standing. [1113]

Q. Are there any women located past the squirrel cage?      A. Yes.

Q. How many were down there on that day, if you know?

A. Well, there must have been three, I believe. I remember two for sure, but it seems to me there were three there.

Q. Do you know their names?

A. Mary Castino, and then I don't remember the other lady. She was a short, heavy-set woman. I don't remember her name.

Q. Don't know her name?      A. No.

Q. Now, have you ever seen cores in the water before?      A. Yes.

Q. Where do the cores come from?

A. Well, the cores come—when the peelers are peeling, the cores oftentimes drop down along with the apples onto our table.

Q. Does the machine always take the core out?

A. No.

Q. And you say, other than the occasions that you have mentioned, that you were working on the trim line, you worked over on the—

A. Slicer.

Q. —on the slicer?      A. Yes.

Q. Do you recall on that day, October 25th, 1954, what the Company was making at that time? [1114]

A. Slices.

Q. Slices. Will you tell us, or briefly describe,

(Testimony of Elsie Elizabeth Dickerson.)

what your duties were on the slicer during the time you worked on it?

A. Well, each woman has two spindles like that, come up like this.

Q. I see.

A. And the apples come down on this table, peeled and cored, and you drop them over the spindles, one, two.

Q. You drop them over individually, apple by apple?

A. Yes.

Q. One at a time?

A. Yes.

Q. And, during the time that you were working on the slicer, have you ever observed whether or not a core was in the apple?

A. Yes.

Q. What do you do if you see a core in the apple, in the slicer?

A. Well, we remove the core, because it wouldn't go over this spindle if a core is in the apple.

Q. Where do the apples go when you are making slices, from the slicer what happens after that?

A. Well, they drop down below to a little machine that slices them, that has kind of a little hand that hits one, then catches another one and hits it down, keeps them going down. [1115]

Q. I see. And what happens after the apples are sliced?

A. Well, they are dropped into a bin below, which carries them on past, onto a kind of a paddle-wheel that takes them up.

Q. And where does it take them up to?

(Testimony of Elsie Elizabeth Dickerson.)

A. And then it takes them up into a kind of a shaker.

Q. What does the shaker do, if you know?

A. Shakes out seeds or any little pieces, and then it drops onto this table below, where there are women working there to pick out any little bad pieces or seeds or anything like that, any little pieces with green.

Q. And how do they pick them out?

A. With their hands.

Q. Now, prior to the time that you were discharged, before the time you were discharged, were you ever warned at any time about putting a core back in an apple?

A. I never put a core back in an apple before.

Q. Anything ever said to you by management, any warning ever given about not putting a core in an apple?      A. No.

Q. During the time that you were working for the Company, Mrs. Dickerson, have you ever observed anything unusual about the apples or anything unusual in the water?

A. Well, once in a while, yes.

Q. What have you observed?

A. Well, I have seen a glove coming down, and I have seen a [1116] real rotten apple coming down, chocolatey color, and I saw an apple with a ribbon on it one day.

Q. And, getting to this apple with the ribbon on it, will you describe what you observed?

A. Well, it was an apple—it was two apples

(Testimony of Elsie Elizabeth Dickerson.)

grown together, and a blue bow was tied around, decorated on it.

Q. Do you recall when this was you observed that?

A. Oh, no, I just can't recall when it was.

Q. Was it during the '54 season? A. Yes.

Q. How long was it before you were laid off, to the best of your recollection?

A. Well, it could have been about three weeks.

Q. Now, you say you observed two apples grown together, with a bow; is that a ribbon or what?

A. Yes, a ribbon.

Q. Do you know who did that? A. Yes.

Q. Who did it? A. I did.

Q. Was any representative of management present or did they say anything to you about it?

A. No.

Mr. Berke: Well, wait a minute. No what? I am going to object to the question, was any management representative [1117] present, did they say anything to you. Those are two questions.

Trial Examiner: Yes, separate it, will you, please.

Q. (By Mr. Magor): Did you talk to any representative of management about that at all?

A. Well, I talked to——

Trial Examiner: Just a minute, until the truck goes by.

A. (Continuing) I talked to Edna Hardin about it, before I put the bow on it.

(Testimony of Elsie Elizabeth Dickerson.)

Q. (By Mr. Magor): Will you tell us what occurred at that time?

A. Well, Edna came up and she was laughing, and she said did you girls do this, and she had this apple in her hand, this double apple. We didn't answer, and she handed it to me. So Isabel Ameral and I took a blue bow that I had on my hair, and tied it around the apple and said we'd send it down to Dorothy, her daughter, who was working on the lower table at that time, so we did.

Q. Anything said about it? A. No.

Q. You say you observed a glove in the water one day? A. Yes.

Q. Tell us what you observed about that.

A. Well, it was just floating down in the unpeeled apples. It went down in the water where we threw our apples.

Q. I see.

A. In the flume, I believe it is called, where the apples come unpeeled. [1118]

Q. Did you ever observe any apples decorated at anytime? A. Yes.

Q. Do you recall when that was?

A. Well, I just—I can't recall just the days, no.

Q. How long was it before you were discharged?

A. Oh, possibly a month.

Q. Will you tell us what you observed?

A. Well, when I came to work one morning, sitting right where I worked was an apple on the flume, and it had a little sharp edge; it was put down there—it was a man decorated.

(Testimony of Elsie Elizabeth Dickerson.)

Q. Will you tell us, describe how it was decorated.

A. Well, he had a little body and eyes and nose and mouth and a cigaret in its mouth, and then I saw apples decorated on the time clock.

Q. Well, let's stick to this one that you saw in the flume. How were the eyes and nose made, if you know?

A. Well, they were just made, cut out with a knife, and the mouth was cut out, and the nose—I don't recall just how it was.

Q. You say you saw one on the time clock?

A. Yes.

Q. Will you describe—— Strike that.

When did you observe that?

A. It was somewhere around that same time.

\* \* \* \* \*

Q. (By Mr. Magor): During the 1954 season, Mrs. Dickerson, to your knowledge was anything said to any employee for decorating apples by any representative of management?

A. I never heard anyone say anything.

Q. To your knowledge, was any employee told that they would be discharged for decorating apples, during the 1954 season?

A. I never heard of anyone being told.

Mr. Magor: You may examine. [1122]

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): All right. Now, at the time you worked on the trimmers, on October 25th,

(Testimony of Elsie Elizabeth Dickerson.)

and the one other occasion before then, were there inspectors down there at the squirrel cage?

A. Were there inspectors?

Q. Yes.           A. Yes.

Q. Was Virginia Chicano one of them, do you recall?           A. I am quite sure she was.

Q. Do you know who the other two were, of the three you mentioned?

A. Well, Mary Castino was another one—Castiani,—Castino I believe; and I don't recall who else was there.

Q. And you say that was the only time in which you made the core holes in an apple and put a core back into one of the core holes was on this one occasion?           A. One occasion.

Q. The 25th? You didn't do it at any other time?

A. I didn't do it at any other time. [1127]

\* \* \* \* \*

Q. Now, with reference to this apple on which you put a ribbon, that was a freak apple, wasn't it?

A. Yes.

Q. I see. Had the appearance of being a twin apple?           A. Yes.

Q. When you took the ribbon out of your hair and tied it on that apple, did Edna Hardin see you, to your knowledge, do it?           A. No.

Trial Examiner: Excuse me. Do you mean the first or second time?

Mr. Berke: I understood she put a ribbon on once.

(Testimony of Elsie Elizabeth Dickerson.)

Q. (By Mr. Berke): Was there two times that you put a ribbon on?

A. No, I only put a ribbon on once. Edna Hardin had brought the apple to me.

Q. That was a freak apple that you are talking about? A. Yes.

Q. And Edna Hardin brought that to you?

A. Yes.

Q. And you said, I believe, that she asked what—or something—

A. She asked if we had done that.

Q. Was it after you had put the ribbon on it?

A. It was before I put the ribbon on it.

Q. Before. Did you understand what she meant?

A. Well, I understood—she had brought it down from below, down by the squirrel cage and what I understood, that she meant, was that did we put it in the water and send it down there.

Q. I see; and nobody answered her?

A. No one answered.

Q. Then she gave it to you? A. Yes.

Q. And what you did then was you took a ribbon out of your hair and tied it on? A. Yes.

Q. And you say she did not see you do that?

A. No.

Q. Now, Mrs. Dickerson, with reference to the slicers or slicing units, there is a spindle on the slicing units, is there?

A. Two spindles to each girl.

Q. To each girl? A. Yes.



(Testimony of Elsie Elizabeth Dickerson.)

Q. And does each girl pick an apple up in each hand and put one on each spindle?

A. Yes, this way one, and then one, keep them going like that.

Q. You are constantly picking up apples?

A. Yes. [1129]

Q. In both hands, and putting them on the spindles? A. Yes.

Q. On both, about the same time, is that right?

A. Yes.

Q. Now, that apple goes down the spindle, doesn't it? A. Yes.

Q. Now, is that a table in front of you?

A. Yes.

Q. Yes; and does the spindle extend up above the table? A. Yes.

Q. And this spindle is set into a circular opening, is it not, in the table? A. Yes.

Q. Then after you put the apple on the spindle, the apple goes down the spindle into this opening, is that right, and it goes under the table?

A. Yes.

Q. And below the table; is it correct that there is a series of knives—— A. Yes.

Q. And the apple goes down onto these knives, and is then cut into slices, is that right?

A. Yes.

Q. And then where does it go from there?

A. Well, there's a big trough underneath there, then apples drop into that.

Q. Go from the slicing blades——

(Testimony of Elsie Elizabeth Dickerson.)

A. Go from the slicer, they drop into this trough.

Q. And then where do they go?

A. Well, they go on down into water again, or water drops a little lower, then there's a paddle affair that takes them up.

Q. Sort of—this paddle affair that you are referring to, is that a—

A. It has—

Q. —a series of scoops?

A. It has little shelves that catch the apples and take them up.

Q. They are little scoops, aren't they, metal scoops? A. I guess you'd call them that.

Q. And they catch the apples and they take them where?

A. They take them up and then onto a shaker thing.

Q. All right. And where do they go from the shaker? A. They drop onto a table.

Q. Now, this table that you refer to, isn't that a large rubber belt? A. Yes.

Q. And it is constantly moving? A. Yes.

Q. And the apple slices, as they come out of the shaker, come [1131] out in a steady flow, don't they? A. Yes.

Q. And they come out in a pile about two inches or more thick, do they not?

A. About like that.

Q. Two inches or more thick. Now, the shaker

(Testimony of Elsie Elizabeth Dickerson.)

doesn't always get the seeds you referred to out of the slices, does it, to your knowledge?

A. To my knowledge, I don't know for sure if it takes them all out or not.

Q. You never worked there?

A. I worked down there for about a half an hour one day.

Q. I see. And during that half hour that you worked on that occasion did you notice whether the shaker took all of the seeds out?

A. No, I did not.

Q. You didn't notice?           A. I didn't notice.

Q. All right. During that half hour that you worked there at that time, did you notice whether the women who worked on the belt at the shaker were able to get all of the slices that came down and had seeds in them that the shaker did not take out?

Mr. Magor: Just a minute. I am going to object to that on the ground it asks for an opinion and conclusion of the witness.

Trial Examiner: Read the question. [1132]

(Question read.)

Trial Examiner: I will permit her to answer if she can tell.

A. Well, I can't quite answer that, if it took out—if everything was picked out. Each girl picked up all they could.

Q. (By Mr. Berke): Well, do you know if any got by them that they were not able to get?

(Testimony of Elsie Elizabeth Dickerson.)

A. I wouldn't know for sure. I was working right in my own little square.

Q. All right. How many women worked at that belt near the shaker, do you know, or did last year?

A. About six.

Q. About six. Do they stand three on a side?

A. Yes.

Q. That is, they face each other?

A. Yes, and then one on another thing that takes the apples up, sometimes two; after they are on that table, then this elevator thing takes them up and there's another woman picking there.

Q. Now, this table you refer to, is that actually, so the record is clear, this moving rubber belt?

A. Yes.

Q. Do you know how wide that rubber belt is, approximately?

A. Oh, goodness, I don't know. It could be about two and a half feet.

Q. It is rather wide? [1133] A. Yes.

Q. And it is full of apples when the cannery is processing them? A. Yes.

Q. Now, what shift did you work in 1953, Mrs. Dickerson? A. Day shift.

Q. And in 1954, I understand that you made application for employment at Sagu, in the month of June? A. Yes.

Q. Do you know about when in June?

A. I believe it was the latter part of June.

Q. In any event, several weeks before you actually went to work there?

(Testimony of Elsie Elizabeth Dickerson.)

A. Well, it was about three or four weeks, I believe, yes.

Q. Yes. Now, in 1954 you first began to wear a Union button at work on the day before October 15th?

A. On the day—two days before October 15th?

Q. You began to wear it then? A. Yes.

Q. Oh, maybe I misunderstood you. And did you wear it where it could be seen?

A. Yes, I did.

Q. And did you—You attended the meeting that was held in the warehouse on October 15th?

A. Yes. [1134]

Q. And you continued to work when they went from two shifts to one shift? A. Yes.

Q. You came back the following Monday, October 18th, and continued working? A. Yes.

Q. Now, you say that you worked on the slicer as your regular job? Is that right? A. Yes.

Q. Who originally assigned you to the slicer, do you recall? A. Edna Hardin.

Q. That was in July of 1954, when you went to work there that season?

A. No, I didn't go right on the slicer when I went to work, it was probably about, maybe three weeks later that she put me up there.

Q. I see. What did you work on immediately, in July? A. I was a trimmer.

Q. Trimmer. And who assigned you to that position? A. Edna Hardin.

Q. Did you work as a trimmer for about three

(Testimony of Elsie Elizabeth Dickerson.)

weeks and then she assigned you to the slicing units?       A. About that, I believe.

Q. And the first time after that that you went to the trimmer was one afternoon in October of 1954? [1135]       A. Yes.

Q. And on that occasion you had gotten Mrs. Herrerias' permission?

A. The first day I went over, yes.

Q. Did you personally ask her permission or——

A. I personally did.

Q. Yes. And that was after lunch?       A. Yes.

Q. Is that right? And did you work that full afternoon?       A. No.

Q. Until what time?

A. Till about around 3:00 o'clock.

Q. And then what did you do?

A. I went back on the slicer.

Q. And the next time that you worked as a trimmer was on October 25th, the day of your discharge?       A. Yes.

Q. And was that in the afternoon also?

A. Yes.

Q. Now, on that occasion, as I understand it, you did not get permission to work on the trimmer?

A. That's correct.

Q. How did you arrange that?

A. Well, the little girl that had asked me to change places with her the first time came back to me the second time and [1136] asked me if I would change. She said she was tired.

Q. What was her name?       A. Ruth Deal.

(Testimony of Elsie Elizabeth Dickerson.)

Q. And so you changed places with her without getting permission?      A. Without permission.

Q. Of your supervisor?      A. Yes. [1137]

\* \* \* \* \*

Mr. Berke: Yes.

Q. (By Mr. Berke): Mrs. Dickerson, following your discharge on October 25th, you made application for unemployment compensation, did you not?

A. Yes.

Q. And did you give a reason for your discharge to the State Employment?      A. Yes, I did.

Q. What reason did you give?

A. That I was fired.

Q. For what?      A. For decorating an apple.

Mr. Berke: Will you mark this as Respondent's next in order.

(Thereupon the document above referred to was marked Respondent's Exhibit No. 7 for identification.)

Q. (By Mr. Berke): Mrs. Dickerson, I show you a photostatic copy of a document marked Respondent's Exhibit 7 for identification, which purports to be a claim for unemployment compensation. Is that your signature on the bottom?

A. Yes.

Q. And where it says up here, "7. Give actual reason you left your last employer," appears the word "Fired," and then — printed, and then in script, "For decorating an apple." [1142]

A. Yes.

(Testimony of Elsie Elizabeth Dickerson.)

Q. Is that in your handwriting, that "For decorating an apple"?      A. Yes, it is. [1143]

\* \* \* \* \*

Trial Examiner: I will receive Respondent's Exhibit 7 in evidence. [1146]

\* \* \* \* \*

### MARIE RUTH TRIPP

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

#### Direct Examination

\* \* \* \* \*

Q. (By Mr. Karasick): Mrs. Tripp, have you ever worked for [1158] Sebastopol Apple Growers Union?      A. Yes, I have.

Q. On one occasion or more than one occasion?

A. I beg your pardon?

Q. On one occasion or more than one occasion?

A. Just last year was the first time.

Q. Do you remember when it was that you began last year?      A. September 10th.

Q. Now, what was your job?

A. Well, I started as a trimmer, then I worked various jobs, outside too.

Q. What shift?      A. Day shift.

Q. Did you sign an authorization card or pledge card in the Union?      A. Yes, I did.

Q. Local 980. Was it before or after you came to work for the Company?      A. After.

Q. And do you remember when it was that you did that, that you signed this card?



(Testimony of Marie Ruth Tripp.)

A. About a week after I went to work. [1159]

\* \* \* \* \*

Q. Now, did you get a Union button at any time while you worked at the plant?      A. Yes, I did.

Q. Do you remember when you received it?

A. Well, the day before the lay-off.

Q. Do you remember when the lay-off was?

A. October 15th.

Q. I hand you General Counsel's Exhibit 31, and ask you if the Union button you received at that time is the same as this button that——

A. It is, yes.

Q. Now, you will notice, Mrs. Tripp, on this button there is a place right after the word "Local" on the button where the enamel has been scratched off so that the metal, bare metal comes through, and no Local number appears; do you notice that? [1164]

A. Yes.

Q. Was your button the same or different in that respect, if you remember?

A. I don't remember. I think it was like that.

Q. Yes. All right. Now, what did you do with the button after you got it?

A. I wore it on the collar of my shirt, blouse.

Q. Was it obstructed by anything?      A. No.

Q. You wore it, then, on what dates, do you remember?

A. Well, the 14th and 15th of October.

Q. Did you wear it at the plant while you were at work?      A. Yes, I did.

Q. Do you remember where you were working on October 14th, what job?

(Testimony of Marie Ruth Tripp.)

A. In the can car.

Q. Who was working there with you, what employees?      A. Ruth Clark and Shirley Veach.

Q. Did they have Union buttons, did they wear them that day?      A. Yes, they did.

Q. Where did they wear them?

A. On the seat of their jeans, on the back.

\* \* \* \* \*

Q. I see, I see. Now, were you laid off on October 15th, 1954?      A. Yes, I was.

Q. Did you go to the meeting at which the lay-off was announced?      A. Yes, I did.

Q. Who told you to go to it?

A. There was a blackboard that said that at 4:30 all the employees were to go into the warehouse.

Q. When you got there, who all was there?

A. Well, the day and night shift and Mr. Martini, Mr. Bondi, Mr. Wilson, the bookkeeper, Mr. McGuire, I believe, everyone involved, concerned.

Q. Will you tell us, as well as you can recall now, what was said, and to the extent that you can, who said it.

A. Well, I know that a letter was read. I am not sure whether Mr. Martini read it or Mr. Bondi; that we were—there was a shortage of apples, there were only 250 tons left to process, and so forth, and they would have to lay off; they would just keep on enough employees for the next two weeks, till they could finish up; and then I do remember Mr. Bondi saying that we would all be invited to a dinner at

(Testimony of Marie Ruth Tripp.)

the close of the season, and they hoped to see us all back next year. And those whose names were read from the list would remain, the others would—were discharged. [1167]

Q. Do you remember anything else that was said at that meeting?

A. Oh, about that we could turn in our receipts for our caps and aprons and get our money back.

Q. Anything else that you can recall?

A. No.

Q. Did anyone say anything about how this list was made up?

A. Yes, the names were—they said the names were picked according to seniority, those with the greatest seniority were to remain on, and the newer employees were to be let go.

Q. Who read the list, do you recall?

A. No. It wasn't Mr. Martini or Mr. Bondi, but I don't recall. [1168]

\* \* \* \* \*

Q. After the election was over, did you have a conversation with Mr. Martini?

A. Yes, I did.

Q. Where?

A. At a place called Molino Corners.

Q. What sort of a place?

A. It's a filling station, and they serve food and beer and wine.

Q. What time—or, with reference to the election, when was this? [1173]

(Testimony of Marie Ruth Tripp.)

A. Oh, I'd say probably around seven o'clock in the evening.

Q. The same—— A. The same evening.

Q. The same day? A. The same day.

Q. The evening of the day of the election, is that right? A. That's right.

Q. Anyone else present at the time this conversation occurred, and by "present," I mean anyone who would be in a position to hear what was said by either of you? A. No.

Q. Will you tell the Examiner, to the best of your present recollection, what Mr. Martini said to you on that occasion?

A. He said, "How did you vote?" And I laughed.

Q. Why did you laugh?

A. Well, I certainly wouldn't want to tell anybody, give an answer, and I figured that was the easiest way out.

Q. Did he say anything else to you that you can recall?

A. He said—Am I allowed to say what I said to him first?

Q. I want what both of you said, yes.

A. I said I was surprised that I got laid off, and he said, "Oh, did you get laid off?" and I said, "Yes," and he said, "Well, give me your name and phone number and we will give you a call in a few days to come back to work."

Q. Did you receive such a call? [1174]

A. No, I didn't.

(Testimony of Marie Ruth Tripp.)

Q. Have you, till the present day, received such a call? A. No, I haven't.

Mr. Karasick: You may examine.

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): On the occasion in Molino Corners when you say you met Mr. Martini and had this conversation where you claim he asked you how you voted, wasn't his question to you, how was the election going, did it suit you?

A. He said that, too, and he said how did you vote, but I remember "How did you vote?" because it seemed rather personal.

Q. I see. But you didn't remember, however, if he asked you whether the election suited you?

A. I remember him saying something about how did it suit you, and he said but how did you vote.

Q. Mr. Karasick asked you for the conversation and you mentioned nothing about that, did you?

A. I just — When you said "suit," I remembered it.

Q. I see. A. The words "suit you." [1179]

\* \* \* \* \*

ERNESTINE ALBINI

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

\* \* \* \* \*

Q. (By Mr. Karasick): Miss Albini, have you ever worked for Sebastopol Apple Growers Union?

(Testimony of Ernestine Albini.)

A. Yes.

Q. On one occasion or more than one occasion?

A. Two, twice.

Q. Two times? A. Yes.

Q. When was the first, Miss Albini?

A. 1953.

Q. And what was your job then? [1181]

A. I was a trimmer.

Q. On what shift? A. On the day shift.

Q. Did you work throughout the entire season that year? A. No.

Q. When—How long did you work?

A. Just until September.

Q. And then what happened?

A. I went back to school.

Q. You quit your job? A. Yes; yes, sir.

Q. And went back to school? A. Yes.

Q. In 1954, were you employed at Sebastopol Apple Growers Union? A. Yes, sir. [1182]

\* \* \* \* \*

Q. Now, do you remember any office or clerical work you did in connection with any payroll list?

A. Yes.

Q. What was the work that you did in connection with that?

A. Well, I typed up a couple of names.

Mr. Berke: Just a moment. I am going to object to that. That gets into confidential matter. The Board has held a person doing secretarial work in connection with payroll, that is confidential matter.

(Testimony of Ernestine Albini.)

I am really surprised that Mr. Karasick would go into that. [1184]

\* \* \* \* \*

Trial Examiner: I will permit the question.

\* \* \* \* \*

Q. (By Mr. Karasick): Did you type such a list while you were there? A. Yes.

Q. And that was when, did you say?

A. Before——

Q. Before the—— A. Before the lay-off.

Q. Before the October 15th lay-off?

A. Yes.

Q. How long before?

A. A couple of days. [1185]

Q. Do you know Bill McGuire? A. Yes.

Q. What was his job there at that time?

A. He was on the traffic and sales departments.

Q. And did you hear him make some remark with regard to this list? A. Yes, I did.

Q. And will you tell us to the best of your recollection—Where were you at the time?

A. I was sitting at the switchboard.

Q. Anyone else immediately present, and by “immediately present” I mean anyone who would have been in a position to hear what he said?

A. I don't know. I just never paid much attention.

Q. Did he address this remark to someone else?

A. Yes.

Q. Who? A. Mr. Marsland.

Trial Examiner: Spell the last name.

(Testimony of Ernestine Albini.)

The Witness: M-a-r-s-l-a-n-d.

Q. (By Mr. Karasick): Lloyd Marsland?

A. Yes.

Q. He was a payroll clerk there?      A. Yes.

Q. What did Mr. McGuire say to Mr. Marsland in connection with [1186] this list?

A. Well, he wanted, was going to check——

Q. Just tell us as well as you recall what he said.

A. He was going to check off some names with him from the payroll.

Q. And what did Mr. McGuire say to Mr. Marsland about the list?

A. He wished he knew who was for the Union.

Mr. Berke: Marsland said that?

The Witness: No, Bill did.

Mr. Berke: Oh.

Q. (By Mr. Karasick): And do you recall anything else he said in that connection?      A. No.

Q. Do you remember whether at that time he mentioned another list?      A. Yes.

Q. What did he say?

A. Said something, I don't remember.

Q. Just—Are you nervous?      A. Yes.

Q. All right. Just be calm. There's no need to be nervous, Miss Albini. Just sit there and take your time, recollect your thoughts as well as you can, and tell the Examiner here what it was that you heard Mr. McGuire say, as you can best recall it [1187] now.      A. I don't remember.

Trial Examiner: You don't remember?

The Witness: No.



(Testimony of Ernestine Albini.)

Q. (By Mr. Karasiek): What you've told us up until now is the best you remember, is that right?

A. Yes.

Q. Now, again, let's see if I can refresh your recollection. Do you remember, you said you remembered something being said about another list?

A. Yes.

Q. Now, what did Bill McGuire say about the other list?           A. I don't—I don't remember.

Q. Do you remember testifying, Miss Albini, that you heard Bill McGuire say to Marsland that McGuire would like to know who was for the Union?           A. Yes.

Q. All right. Now, do you remember what else he said?

A. Said so we could make up another list. [1188]  
\* \* \* \* \*

Q. I see. All right. Now, when did you last work at the Sebastopol Apple Growers Union, Miss Albini? [1192]           A. May the 6th.

Q. And did you quit or were you discharged?

A. I was discharged.

Q. I see. And any reason assigned for your discharge?           A. They said I was too young.

Q. Too young; how old are you?

A. Nineteen. [1193]

\* \* \* \* \*

Cross Examination

Q. (By Mr. Berke): Miss Albini, you were working, when you last worked there for the Com-

(Testimony of Ernestine Albini.)

pany in the months of May and April, on the switchboard, were you not?      A. Yes.

Q. A lot of calls come in on that switchboard?

A. Yes.

Q. And did you work under Mr. Wilson?

A. Yes.

Q. He was in charge of the payroll out there, was he not?      A. Yes.

Q. Pardon?      A. Yes.

Q. Now, was it Mr. Wilson that discharged you?

A. Yes, yes.

Q. Do you remember that he told you not only that you were too young, but also that there was a problem about your handling the switchboard, it was kind of difficult?      A. No. [1194]

\* \* \* \* \*

Trial Examiner: How long did it take you to prepare this or type this list that you were speaking of?

The Witness: Oh, not very long.

Trial Examiner: How long was it?

The Witness: About a half hour or so.

Trial Examiner: How many pages?

The Witness: There was one page, but there was four or five copies.

Trial Examiner: Just one page of names? [1198]

The Witness: Yes.

Trial Examiner: How many columns?

The Witness: Two.

Trial Examiner: Single or double spaced?

The Witness: Single.

(Testimony of Ernestine Albini.)

Trial Examiner: Were the columns separated as to men and women or were they all jumbled, mixed together?

The Witness: They were all together.

Trial Examiner: Were they in alphabetical order or otherwise?

The Witness: Yes, alphabetical order.

Trial Examiner: I believe you testified that they were on both the day and night shifts, is that right?

The Witness: Yes.

Trial Examiner: Was the list typed—On what color paper was it?

The Witness: White.

Trial Examiner: Letterhead or plain?

The Witness: Plain. [1199]

\* \* \* \* \*

### GLORIA LINDSAY

called as a witness by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

#### Direct Examination

\* \* \* \* \*

Q. (By Mr. Magor): Miss Lindsay, were you ever employed by Sebastopol Apple Growers Union? [1200]      A. Yes.

Q. Do you recall when you were first employed by that Company?      A. At the end of July.

Q. What year is that?      A. '54.

Q. What shift were you working on at that time?      A. Day shift.

(Testimony of Gloria Lindsay.)

Q. Who was your floor lady at the time when you first went to work?      A. Edna.

Q. Edna Hardin?      A. Yes.

Q. Now, where were you working at the time?

A. On the squirrel cage.

Q. And who else, if anybody, was working with you?

A. Gloria Pate and Mary Castino.

Q. They were working at the squirrel cage, too?

A. Yes.

Q. During the time that you worked for the Company in 1954, did you sign any Union authorization card?      A. Yes, I did.

Q. Do you recall when it was?

A. Some time in August.

Q. Was it the first part of August?

A. First part, yes. [1201]

\* \* \* \* \*

Q. And after signing the Union authorization card, Miss Lindsay, did you ever have any conversation with Mr. Martini with respect to the Union?

A. Yes, I did. He mentioned it quite frequently.

Q. Where were you at the time?

A. At the—working, by the squirrel cage.

Q. And do you recall when it was that you first talked to him?

A. It was right after—started talking about the Union after we got the pledge cards. He asked, come up and asked us if we was for it, and we said yes, and he told us we shouldn't be for it because it wasn't going to help us none and in the long run

(Testimony of Gloria Lindsay.)

we'd be better if we stuck with him, and the following year he'd give us a five cent raise, and then the next year we'd get another five cent raise, as long as we kept sticking with him, kept getting a nickel raise, and he said if you join the Union it's five dollars and the fee is three-fifty—he said that's all a lie, they'd up—once they got the plant Union they'd make us pay twenty to join and up the fee a month.

Q. You say "we"; who are you referring to?

A. Gloria Pate and I.

Q. Was he talking to you and Gloria Pate?

A. Yes.

Q. Did Mary Castino engage in the conversation at all?      A. Not that I can remember.

Q. Where was she working in relation to you?

A. She was over a little bit from us.

Q. I see. Now, when you were talking to Mr. Martini, do you recall when that was, the specific date?

A. No, I can't say the date, but it was right in August, when he started; he even brought the newspaper clipping saying this about the——

Q. Well, just a moment. Is this the same time?

A. No.

Q. Now, directing your attention to the conversation that you just related, can you tell us to the best of your recollection today what time of day that was?

A. No, I couldn't say for sure.

Q. Was it in the morning or the afternoon?

A. It was probably in the afternoon.

(Testimony of Gloria Lindsay.)

Q. Was this during working hours?

A. Yes.

Q. How long was Mr. Martini talking to you at the time?

A. Oh, he was—talked to us a good ten minutes, over. [1203]

Q. Did you talk to Mr. Martini after that at all?

A. You mean after hours?

Q. Or after that conversation?

A. Oh, yes.

Q. How often did you talk to him?

A. Quite frequently. I mean, mostly, when he'd come in, he'd come over and talk to us, unless he was in a hurry, he'd go to the office and then dash right off, out.

Q. When you say quite frequently, did he talk to you every day?

A. No, I mean every time he come in, except when he come in, in a hurry, and he wasn't there every day.

Q. I see. How many times a week did he talk to you and Gloria Pate?

A. Oh, I couldn't say that, but it's many times as he came in.

Q. Well, can you say approximately how many times?

A. Well now, like sometimes when he come in the morning, he'd talk to us, then that afternoon he'd come in and talk to us again.

Q. He talked to you more than once a day at times, is that right?      A. Oh, yes.

(Testimony of Gloria Lindsay.)

Q. Is there any other conversation that you recall that you had with Mr. Martini with respect to the Union?

A. Yes, he told us that if the plant did go Union he'd close [1204] it down.

Mr. Berke: Wait a minute. I move that be stricken, and let's fix the time, lay a proper foundation.

Trial Examiner: Lay a foundation. I will grant the motion.

Mr. Magor: All right, I agree it may go out past the "Yes."

Q. (By Mr. Magor): You had other conversations with him? A. Yes.

Q. Do you recall when the next time was that you talked to Mr. Martini, the conversation you were about to relate?

A. No. It was between August and October.

Q. I see. Do you know Mrs. Storey?

A. Yes, I do.

Q. Do you know that she was discharged?

A. Yes.

Q. Was this before or after Mrs. Storey was discharged, if you know?

A. Oh, I think it was before. I'm not sure.

Q. Do you remember what time of day you were talking to Mr. Martini on this occasion? Was it in the morning or the afternoon?

A. No, I don't.

Q. Will you tell who was present at this time?

A. Yes, Gloria Pate. [1205]

(Testimony of Gloria Lindsay.)

Q. Did she engage in the conversation?

A. Yes, she did.

Q. Was anybody with you—with Mr. Martini?

A. Yes, there was somebody else, but he was standing sort of back from us.

Q. I see. Now, will you relate for us today to the best of your recollection what was said and who said it?

A. Well, Mr. Martini said it and he come right out and he said that he—if the plant would go Union that he'd close it down, that he'd lose too much money if it went Union, that he'd closed down his plant here in Santa Rosa on account of the Union.

Q. Was anything else said at the time?

A. Not that I remember. [1206]

\* \* \* \* \*

Q. Had you talked to him after that at all?

A. Yes, I did.

Q. About the Union? A. Yes.

Q. Do you recall when the next occasion was?

A. Not right off, no. He gave me a clipping, a newspaper clipping.

Q. Do you recall when it was he gave you a newspaper clipping?

A. It was after Mrs. Storey was laid off.

Q. Do you recall how long after it was, to the best of your recollection today?

A. No, I can't.

Q. Where were you at the time?

A. Working on the squirrel cage.



(Testimony of Gloria Lindsay.)

Q. Who else was present?

A. Gloria Pate.

Q. And did she engage in any conversation that took place?

A. Yes, she did. [1207]

Q. Was anybody with you—with Mr. Martini at that time?

A. No, not that I can remember.

Q. Was this in the morning or in the afternoon?

A. In the morning.

Q. Will you now relate for us today to the best of your recollection what was said at that time and who said it.

A. Mr. Martini said it and he come up and he handed me this clipping out of the newspaper and he said, "Now, what do you think of the Union?" and "Read this," he says, "and show it to the officials of the Union, the Union officials." And he says, "See what they have to say about it." And he said, "And come back and tell me." And I said, "Well, I will have to show it to the kids around here first," and he said "Go ahead," so later on I showed it to them, then they showed it to the Union officials and they said it had nothing to do with the Union here, and it was all about the union back in New York that went bankrupt and they didn't know if that was for the year that he handed it to me, in '54, or could have been back later on. [1208]

\* \* \* \* \*

Q. During the time that—Strike that. When was the last day that you worked for the Company?

A. The 14th of October.

Q. Did you go to work on October the 15th?

(Testimony of Gloria Lindsay.)

A. No, I didn't, I was sick.

Q. You were sick. Did you ask anybody to report that you were sick to the Company?

A. Yes, Gloria Pate did it for me.

Q. Did you go back to work after October 15th?

A. No, I didn't. [1210]

\* \* \* \* \*

Q. (By Mr. Magor): Did you ever work in the can car?      A. Yes.

Q. Or relieve anybody?

A. I relieved out in the can car.

Q. And did you ever have any conversation with Mr. Martini in the can car?

A. Yes, on one occasion he came up and asked me what I was doing there and I told him I was relieving the girls, and he said, "Well, what are you trying to do, change them over to the Union," he says, and I says, "No," I says, "I'm not trying to do that," and he says, "Well," he says, "I bet you are campaigning for them," and said a few more wise-cracks, then said, "I ought to put you over with Mr. Storey, you two could have a ball."

Trial Examiner: Could what?

The Witness: Put me over with Mr. Storey, so we two could have a ball.

Q. (By Mr. Magor): What did you say?

A. I asked him why he didn't.

Q. Do you recall when this was?

A. It was after Mrs. Storey was laid off.

Q. Will you tell us to the best of your recollection today how long it was after Mrs. Storey was

(Testimony of Gloria Lindsay.)

discharged?           A. About a week.

Q. Do you recall what time of day it was?

A. I think it was in the morning. [1212]

\* \* \* \* \*

Q. After October 15th, were you out at the plant at any time in the company of Gloria Pate?

A. Yes, October 18th, I took her out to work, and I came back, and she phoned me up and told me to come and get her, she was laid off, so I came and picked her up. In the meantime, I [1213] went in and got her and we ran into Mr. Martini, so she stopped, and she was talking to him, and while she was talking to him——

Mr. Berke: Wait a minute. Way beyond the question asked. May we have a foundation?

Mr. Magor: I will lay the foundation.

Q. (By Mr. Magor): You say you went out to pick her up?           A. Yes.

Q. About what time of day was that?

A. It was in the morning.

Q. And did you see Mr. Martini at the time?

A. Yes, I did.

Q. Was Gloria Pate present?

A. Yes, she was.

Q. Where was Mr. Martini?

A. Standing outside.

Q. Was anybody else present?           A. No.

Q. Did you engage in any conversation?

A. Yes, he was talking to somebody that just happened to come walking up, and she started talking to them.

(Testimony of Gloria Lindsay.)

Q. How far away from them were you?

A. Oh, about three or four feet.

Q. Did you hear the full conversation between Gloria Pate and Mr. Martini?

A. No, I didn't, I heard some of it. [1214]

Q. Will you relate for us what you heard, tell us what was said and who said it.

Mr. Berke: I am going to object to it. She didn't hear the whole conversation. It is out of context.

Trial Examiner: I will take it.

A. Well, I heard her asking him why she was laid off, that they didn't call her name on the 15th, and she comes back and they told her she wasn't supposed to be here, and she asked him why they didn't call her name on the 15th, and asked him if he didn't know why she wasn't called back on the 15th, and he said, "I don't know," just looked at her dumbfounded and shook his head, I don't know.

Q. What else did you hear, if anything?

A. Well, that's it.

Mr. Magor: You may examine. [1215]

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): All right. Now, you have related some conversations you had with Mr. Martini on several occasions, which you say took place either before or after Mrs. Storey's discharge. When was Mrs. Storey's discharge?

A. The exact date?

(Testimony of Gloria Lindsay.)

Q. Well, you fixed these conversations either before or after. Now, tell me when.

A. Well, it was in September.

Q. When in September?

A. Well, I think the 18th. I'm not sure.

Q. That is your best recollection?

A. Yes.

Q. Now, you say that the first conversation you had with Mr. Martini about the Union took place when?      A. After we got the pledge cards.

Q. When was that, that you got the pledge cards?      A. In the first part of August.

Q. Well, can you be more specific than about the first part of August? [1217]

A. Oh, around the 5th, 6th.

Q. When did you sign your Union authorization card?      A. Right after I got it.

Q. When was that?      A. The exact date?

Q. Yes.      A. I can't remember.

Q. And you say Gloria Pate was present and participated in the conversation?      A. Yes.

Q. Do you remember what she said?

A. No, I tried to cover everything.

Q. Do you remember what she said?

A. No, I don't.

Q. The next time you said you had a conversation with Mr. Martini about the Union was some time between August and October, before Mrs. Storey's discharge, is that right?

A. Well, I talked to him quite a bit about the Union.

(Testimony of Gloria Lindsay.)

Q. Well, just answer my question, Miss Lindsay. Do you want it read to you again?      A. Yes.

Mr. Berke: Will you read it, Mr. Reporter.

(Question read.)

The Witness: Well, no, she was discharged before October.

Q. (By Mr. Berke): My question was, you say that the next time [1218] you talked with Mr. Martini about the Union was some time between August and October, before Mrs. Storey's discharge?

Mr. Magor: Now just a moment.

Q. (By Mr. Berke): Is that right?

A. No, he asked me, I think, if it was before Mrs. Storey was fired or after.

Q. Who asked you?      A. I think he did.

Q. Referring to Mr. Magor?      A. Yes.

Q. All right. And your answer was what?

A. Before.

Q. Before. And can you tell us when before her discharge this conversation took place?

A. No, I can't.

Q. And did Gloria Pate participate in that one also?      A. Yes, she did.

Q. Do you know what she said?

A. No, I don't remember. [1219]

\* \* \* \* \*

Q. Now, in that second conversation that you related with Mr. Martini, you said something about if the Union came in he would lose too much money and he would close his plant down in Santa Rosa?

A. That he had.

(Testimony of Gloria Lindsay.)

Mr. Magor: Just a moment, just a moment.

Trial Examiner: Overruled.

Mr. Magor: I am going to object on the ground it misstates the evidence. That is not what the witness testified to.

Trial Examiner: The witness knows what she testified to. I will let her answer.

The Witness: Would you mind repeating that?

Mr. Berke: Yes, read the question, Mr. Reporter, please.

(Question read.)

The Witness: No, I didn't mean that. He'd close down the plant, the apple plant, like he did close down his plant in [1220] Santa Rosa.

Q. (By Mr. Berke): Oh, he said he'd close down his apple plant like he closed down his plant in Santa Rosa?      A. Yes.

Q. Is that what you recollect him saying now?

A. Yes.

Q. Those were his exact words?

A. Maybe not exactly his exact words.

Q. Now, you said he talked to you and Gloria Pate on that occasion for a good ten or fifteen minutes, is that right?      A. Right.

Q. Was that all that was said in that good ten or fifteen minutes?

A. Well, I can't remember exactly what all was said.

Q. I see. All you can remember is what you told us here?      A. Yes.

(Testimony of Gloria Lindsay.)

Q. Mr. Martini's part but not Glora Pate's part?      A. No.

Q. Now, you didn't go to work on October the 15th, you said, is that right?

A. That's right.

Q. And what was the reason for your not going?      A. I was sick.

Q. And you didn't go back after October 15th?

A. Not back to find out if I was still working or not. I [1221] come back the 18th—

Q. Pardon?

A. I went back the 18th, just to take a girl there.

Q. Just to get Gloria Pate?      A. Yes.

Q. But you didn't inquire, while you were there, about whether you had a job or not?

A. No, I didn't.

Trial Examiner: Will you read that answer? I went back to do something. It sounded like "to take a girl."

(Answer read.)

Q. (By Mr. Berke): Did you mean to take a girl there or to get a girl?

A. No, I first—I took her in there.

Q. I see. And then you later went back that day, on the 18th?      A. Yes.

Q. So you were there twice on the 18th?

A. Yes.

Q. And on neither occasion did you make inquiry about whether you had a job?      A. No.

\* \* \* \* \* [1222]



MARY CASTINO

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination \* \* \* \* \*

Q. (By Mr. Magor): Are you appearing here voluntarily, Mary, or have you been subpoenaed?

A. I have been subpoenaed.

Q. Were you ever employed by the Sebastopol Apple Growers Union? [1234]

A. Yes.

Q. Do you recall when you were first employed by that Company?

A. About the 21st of July, for 1954.

Q. And what shift were you working on?

A. Day shift.

Q. When was the last day on which you worked for the Company in the 1954 season?

A. December 11th.

Q. And why did you terminate your employment at that time?

A. End of the season.

Q. During the time that you were first employed, until December the 11th, 1954, did you continuously work on the day shift?

A. Yes.

Q. What was your job?

A. I was inspector trimmer.

Q. And who was your floor lady when you were first employed?

A. Edna Hardin.

Q. Did you ever have any floor lady other than Edna Hardin after that?

A. Elicia Unciano and Ella Herrerias.

Q. Was there a lay-off at the Company on Octo-

(Testimony of Mary Castino.)

ber 15th, 1954?      A. Yes, there was.

Q. Will you tell us when Ella Herrerias became the floor lady on the day shift? [1235]

A. Right after the lay-off.

Q. Where, physically, in the plant did you work?

A. I worked down after the apples, past the squirrel cage, on that small trimming table.

Q. I show you General Counsel's Exhibit No. 23 in evidence and I ask you if you can point out where you worked.

A. I can't see too good without my glasses.

Q. Do you have your glasses with you?

A. No, I haven't. This would be the squirrel cage here. This is the section I worked, right at the end of that, right in here, inspection belt.

Q. Inspection belt?

A. That's right, that's it

Q. I see. Now, did you have the same job and work in the same place all the time you were working for the Company?

A. Yes, the whole time I worked there, I started and I finished there.

Q. Will you tell us, briefly, what your duties were?

A. Well, my duties were, after the apples came through the squirrel cage I was to pick off whatever remained on them, cores or spots or bruises or worms, or anything like that, to that order.

Q. Did anybody else work with you at that?

A. There was times there was three women, sometimes four.

(Testimony of Mary Castino.)

Q. Do you know, can you tell us the names of who worked there? [1236]

A. I know one was Mahoney. I didn't know her first name, Mrs. Mahoney. And Clara Davello, and the other one is Virginia Chicano.

Q. Now, after the lay-off on October 15th, 1954, were those same three ladies——

A. No, before—this is after the lay-off?

Q. This is after the lay-off.

A. Yes, but before the lay-off, Gloria Lindsay and Gloria Pate.

Q. Worked at the squirrel cage?

A. Worked at the squirrel cage.

Q. Or past the squirrel cage?

A. Past the squirrel cage.

Q. Did you notice Elsie Dickerson while you were working there?

A. I met her at the plant, yes.

Q. You knew her at the Company? A. Yes.

Q. Did you know that she was discharged?

A. Yes.

Q. How do you know that?

A. Well, there was a commotion around at five o'clock that she was laid off.

Q. Do you recall the day of the month, or the month?

A. As near as I can remember, I think it was around October 25th. [1237]

\* \* \* \* \*

Q. (By Mr. Magor): Do you know where Elsie was working on this last day?

(Testimony of Mary Castino.)

A. She worked on the slicing table in the morning, and in the afternoon she went on the trimming table, the big trimming table.

Q. Did you see her on the trimming table?

A. Well, I couldn't see her from where I was working.

Q. How do you know she was on the trimming table? [1239]

A. Because she passed by my table when she went by.

Q. I see. And you observed her earlier at the——

A. At the slicer.

Q. ——at the slicing table?

A. During recess I saw her up there.

Q. Now, on this last day that Elsie Dickerson was working for the Company, what were your duties on that day?

A. Inspecting, trimming.

Q. Were you working at the same place?

A. Same table.

Q. ——you earlier said?

A. Yes, that's right.

Q. Do you recall who else was working with you on that day?

A. Virginia Chicano and Clara Davello and Mrs. Mahoney.

Q. Did you work side by side or what?

A. Yes, we worked side by side.

Q. And that's four people standing right side by side?

A. That's four people, yes.

Q. Will you tell us whether or not you ob-

(Testimony of Mary Castino.)

served anything unusual about the apples on that day?

A. Well, I remember one coming through with holes in it, and a core sticking out of it.

Q. Do you recall what time of day that was?

A. I think it was sometime in the afternoon.

Q. Just tell us what you observed and where you saw it. [1240]

A. Well, it came down the belt.

Q. And what belt is that?

A. Oh, that small belt that I was working on, and someone picked it up—

Q. Where was it coming from?

A. It was coming from the squirrel cage.

Q. Was it—Strike that.

You say somebody picked it up? A. Yes.

Q. Do you know who picked it up?

A. I'm pretty sure it was Ella Herrerias, the floor lady.

Q. And what did you observe then?

A. Well, she just went around to the back of it, to the big trimming table—I don't know what went on back there.

Q. Just tell us what you observed.

A. Well, that's what I saw, she picked it up and she went around to the back.

Q. I see. Will you describe how that apple looked?

A. Well, from what I could see, it had holes in it, more than two holes in it, and it had a core sticking out from one side.

Q. How far was the core sticking out?

(Testimony of Mary Castino.)

A. Oh, about an inch.

Q. About an inch. Now, were you working there the day before this date? A. Yes. [1241]

Q. Same position? A. Same position.

Q. Were you working there two days before this day? A. Yes.

Q. The same position?

A. The same position.

Q. Did you observe anything unusual about the apples the day before this incident? A. No.

Q. How about two days before this incident, did you notice anything unusual about the apples at that time?

A. No, not that I can remember.

Q. How about three days before the incident?

A. No.

Q. Were you working for the Company on the date of October 19th, 1954, when the National Labor Relations Board held an election at the plant?

A. Yes.

Q. From that date up until the time that Elsie Dickerson was discharged, were you working in the same position? A. Same position.

Q. Did you notice anything unusual about the apples at any time from the date of the election up to the date that Elsie Dickerson was discharged?

A. No, not that I recall. [1242]

Q. Had you ever noticed, during the time that you were working for the Company, anything unusual about the apples or anything unusual in the water or on the belt?

(Testimony of Mary Castino.)

A. Well, once a rubber mouse came through.

Q. Now, do you recall when that was?

A. That was when Edna Hardin was floor lady.

Q. And when, about, was this you saw or observed the rubber mouse?

A. Well, it was sometime in August.

Q. Do you recall what time of day it was?

A. Well, it was during working hours. I just don't recall whether it was before noon or after noon. I know it was during the day.

Q. Tell us what you observed.

A. This mouse came down on the belt, and I picked it up and put it up on this little motor. I didn't know who it belonged to, so I just left it there.

Q. And what was said, if anything, by any representative of management?      A. Nothing.

Q. Now, after Elsie was discharged, did you see any rubber mouse after that?

A. Yes, there was one came through one morning, and I picked it up, and it was just about recess time, and Virginia Chicano took it and went to the dressing room with it. [1243]

Q. What happened, what occurred, what did you observe?

A. Well, I noticed the women, some of them got frightened, some thought it was funny, and that's all.

Q. Where was this other mouse that you described?

(Testimony of Mary Castino.)

A. In the same place on the belt, between the apples.

Q. And this is the belt that comes down to you?

A. That is the belt that comes down to me.

Q. Where were these apples coming from?

A. Well, they come from the squirrel cage.

Q. They come from the squirrel cage. Were you working there—were you working for the Company during the Hallowe'en period? A. Yes, I was.

Q. Tell us what you observed during that period?

A. There was quite a few apples coming through carved as pumpkin faces.

Q. And will you describe how they were carved?

A. Well, they had eyes and nose and mouth carved in it, carved in it, and one even had a rubber finger sticking out of it.

Q. And where did you see the rubber finger sticking out of it?

A. Sticking out of the top.

Q. And where did you observe these apples?

A. On that belt.

Q. And where were they coming from?

A. Through the squirrel cage.

Q. And will you describe how the faces were carved on the apple? [1244]

A. Just like regular pumpkin faces, eyes and nose and mouth.

Q. Was Ella Herrerias present at that time?

A. No, she wasn't. Edna was, she was working alongside of me, and she picked it up and brought it back up to Virginia.



(Testimony of Mary Castino.)

Trial Examiner: Edna Hardin?

The Witness: Edna Hardin.

Q. (By Mr. Magor): What occurred then?

A. Nothing; nothing was said.

Q. How many did you observe come through carved up like pumpkin faces?

A. Well, I wouldn't know offhand, but—

Q. Approximately?

A. There was quite a few.

Q. You say quite a few?           A. Quite a few.

Q. Was it more than two?

A. It was more than that. I think it was—four or five that I can think of offhand.

Q. Did you observe any with the core sticking out of them?

A. No. Well, it wasn't unusual to see an apple with a core, sometimes the machine wouldn't take all the core out, and it would be left in there, and maybe the women on the big table would overlook it, and then they'd come through the squirrel cage. That was my job, clean the apple, take everything off that was on there that shouldn't have been on there. [1245]

Q. And if you observed a core in the apple, what would you do?           A. Take it out.

Q. Now, when was it you observed this rubber glove?

A. Oh, this was—I think it was sometime in November.

Q. And what did you observe about that?

A. Well, it was just an ordinary apple with

(Testimony of Mary Castino.)

a face carved in it and the glove, finger of a glove sticking out of the core.

Q. Of the core hole or what?

A. The core hole.

Q. And where did you observe this?

A. On the table that I was working on.

Q. Where was it coming from, if you know?

A. The squirrel cage.

Q. What was done, if you know?

A. Edna Hardin picked it up and brought it back up to Virginia, and I don't know what she did with it, because I didn't—I kept on doing my work.

Q. I see.

Trial Examiner: Say, I'd like to get clear on something, Mr. Magor, at what point Ella Herrerias took over.

Mr. Berke: I was going to develop that.

Trial Examiner: Pardon me. Well, I am just wondering whether this is '54 or '53.

The Witness: '54. [1246]

Mr. Berke: When?

The Witness: '54.

Mr. Berke: This is the time when the evidence will show—the evidence will show that this was at a time when Mrs. Hardin was no longer a supervisor.

Trial Examiner: Oh, I see. She was still there but not a supervisor?

The Witness: No, no, she wasn't a supervisor any more.

(Testimony of Mary Castino.)

Q. (By Mr. Magor): Did Ella Herrerias ever say anything about any of these incidents that you have described?           A. No.

Q. Did she ever warn you or——           A. No.

Q. ——instruct you——           A. No.

Q. ——in any respect or any employee in your presence that apples were not to be carved up or mutilated?

A. No, sir, I was never talked to about that.

Q. What else, if anything, did you observe that was unusual?

A. Oh, there was also a cluster of chestnuts that came through. I don't know who put them on the belt, but there was a cluster of green chestnuts.

Q. All right. Now, when was it that you noticed this cluster of chestnuts?

A. I would think it was sometime in November.

Q. It was after Elsie Dickerson had been discharged?           A. Yes, after Elsie was fired.

Q. Tell us what you observed.

A. Well, they came down on the belt toward me, and I picked them up and Virginia asked me to give them back to her, so she took them and put them in her trimming box and kept them, and then showed them to Ella.

Q. And she showed them to Ella who?

A. Showed Ella Herrerias.

Q. She showed them to Ella Herrerias?

A. Yes.

Q. What did Ella Herrerias do?

(Testimony of Mary Castino.)

A. Well, she thought it was funny. She looked at them and walked off.

Q. To your knowledge, other than Elsie Dickerson, has anybody ever been discharged for putting a core in an apple or decorating an apple?

A. No, sir. [1248]

\* \* \* \* \*

Q. During the time that you were working for the Company, Mrs. Castino, did you sign any Union authorization or pledge card?      A. Yes, I did.

Q. Do you recall when that was?

A. About August the 5th.

Q. About August the 5th, 1954?

A. 1954. [1249]

\* \* \* \* \*

#### Cross Examination

Q. (By Mr. Berke): Did you wear a Union button—      A. Yes, I did.

Q. —at work? Where did you wear it?

A. On my sweater.

Q. Was it visible?      A. Yes, sir.

Q. And when did you get it, Mrs. Castino?

A. I just don't recall when it was.

Q. With reference to the change-over to the single shift, do you know about how long before that happened it was?

A. I just didn't give it much thought.

Q. Would you say it was a day or two before that?      A. No, it was before that.

Q. It was?      A. Yes.

(Testimony of Mary Castino.)

Q. And you wore it all the time you were at work?

A. Yes, I wore it up until the time of the election.

Q. I see. And you were retained, when they went from two shifts to one shift?

A. Yes, sir. [1250]

Q. And you worked right through the month of December?

A. Right up to the last day, yes, sir.

Q. Now, you say that there was a cluster of green chestnuts sometime in November that came down on the belt? A. Yes.

Q. Now, by "the belt," do you mean the flume that runs past the trimmers?

A. No, it's past the squirrel cage, and there's a short belt—I don't know just how long it is, but it's not very long, long enough for four or five women to work along with each other.

Q. It came down the belt?

A. Down the belt to me, where I was, I was the last one, on the end.

Q. You say you don't know who put it on the belt? Is that correct? A. No.

Q. Do you know whether anyone put it on the belt?

A. Well, evidently someone must have put it there.

Q. You are assuming that?

A. I assume that.

Q. I see. You didn't see anyone put it there?

(Testimony of Mary Castino.)

A. No.

Q. Do you know of your own knowledge that on occasion foreign objects would come into the cannery from the apples brought in [1251] in lugs or boxes?

A. Well, they might have, there might have been something, but I have never seen anything.

Q. Now, during the Halloween'en period when you say you saw some apples carved into pumpkins, did you say Mrs. Herrerias was not present, is that correct? A. No, she wasn't.

Q. She was the floor lady at that time?

A. Yes, sir.

Q. Did you say Edna Hardin was working alongside of you?

A. She worked alongside of me for a while.

Q. She was no longer a floor lady?

A. No.

Q. She was just one of the employees?

A. She was just one of the employees.

Q. Doing the same kind of work as you were?

A. The same thing I was doing.

Q. And later on, in November, when you saw the rubber glove, or the finger of the rubber glove sticking out of a core hole of an apple, Edna Hardin was no longer a supervisor, was she? A. No.

Q. She was still working as one of the employees? A. She was still working there.

Q. And you say that Mrs. Herrerias never said anything about that? [1252]

A. No, she never said anything to me.

(Testimony of Mary Castino.)

Q. Did Mrs. Herrerias see that, of your own knowledge?

A. I don't recall whether she did or not.

Q. Now, on the occasion in August when a rubber mouse came down on the belt, is that again the belt where you were working?

A. Yes, the same one.

Q. Yes. And you picked that up?

A. I picked that up.

Q. Now, you say nothing was said to you by representatives of management or said to anyone about it. Who was the floor lady at that time?

A. Edna Hardin.

Q. Did she see it on the belt at the time?

A. No, she didn't see it because she wasn't standing there where I was.

Q. I see. As I understand it, between October 19th, the date of the election, up to the date Mrs. Dickerson was discharged, you did not observe anything unusual about the apples?

A. Not that I can remember offhand.

Q. Yes. The only thing unusual you saw about the apples was this apple—if you saw it; correct me if I am wrong—Mrs. Dickerson——

A. Yes, I saw that. [1253]

\* \* \* \* \*

Q. (By Mr. Berke): ——which Mrs. Dickerson plugged with a core, is that right?      A. Yes.

\* \* \* \* \*

Q. (By Mr. Berke): Now, you were asked by

(Testimony of Mary Castino.)

—Strike that. Do you know the day of the week that Mrs. Dickerson was discharged?

A. I don't know the day of the week, but I do know the date, October.

Q. Was it October 25th? The calendar shows that was on a Monday. Does that refresh your recollection?

A. I don't know, don't recall if it was Monday or not.

Q. They didn't work on Sunday out there, did they?           A. No, sir.

Q. Now, you were asked by Mr. Magor whether you had observed anything unusual about the apples the day before Mrs. Dickerson's [1254] discharge. If that was a Sunday, it would be a day that you did not work, is that right?

A. That's right.

Q. And the plant was not operating that day?

A. No, I don't think so.

Q. Mrs. Castino, in connection with your job, which you said was to pick off spots and bruises and worms—is that right?           A. Yes, sir.

Q. —would some of the apples get by even though you women would try to get all that you could?           A. Well, that was our job.

Mr. Magor: Just a moment. I am going to object on the ground it asks for an opinion and conclusion of the witness, would some of the apples get by.

Trial Examiner: I will permit her to testify if she bases it on knowledge.



(Testimony of Mary Castino.)

Mr. Berke: She worked there. It was her job.

The Witness: Well, I worked there, and I worked in other canneries. From my knowledge, sometimes apples would get through, because it was impossible to catch them all.

Mr. Berke: Yes, that's right. No further questions.

Redirect Examination

Q. (By Mr. Magor): Did you catch an apple coming through if a core was sticking out about an inch?

A. Yes, I would. That's what I had to look out for, was apples [1255] with cores in them.

Q. Now, Counsel asked you——Strike that.

Directing your attention to the day that Mrs. Dickerson was discharged, and I direct your attention in my question to working days before that, let's take the first working day before she was discharged.

A. Well, if she was discharged on Monday, the day before would have been Sunday, but we don't work on Sunday. It would have been Saturday.

Q. Let's go to Saturday. I direct your attention to the Saturday before Mrs. Dickerson was discharged. Did you notice anything unusual about the apples on that day?      A. No.

Q. Directing your attention to Friday, did you work the Friday before?

A. Yes, I worked Friday.

Q. Did you notice anything unusual about the apples on that day?      A. No, sir.

(Testimony of Mary Castino.)

Q. Now, the apple that you saw Ella Herrerias pick up on the day that Mrs. Dickerson was discharged—do you know of your own personal knowledge whether or not that was the apple, or whether that apple was the one that Mrs. Dickerson did anything to?

A. Well, I don't know. I assume. [1256]

Q. You assume it?           A. I assume it.

Q. You don't know?

A. I don't know for sure.

Mr. Berke: Just a moment. I object to that. This is General Counsel's witness, on this cross examination.

Trial Examiner: Yes. It doesn't prove anything except to indicate why she has testified in such and such a way. I will let it stand.

Q. (By Mr. Magor): Mrs. Castino, what did you do with these apples that you observed carved up into pumpkin faces?

A. Well, take them—there was a little motor at the end of that table. I'd take them and put them up on there and sometimes I'd take them and finish trimming them and put them down, if they weren't too badly carved.

Q. You put some up on the motor?

A. I put some up on the motor.

Q. Were they in plain sight?

A. Everybody could see them.

Q. Did you see Ella Herrerias throughout the day?           A. Ella?

(Testimony of Mary Castino.)

Mr. Berke: Just a moment. I object to that as improper redirect.

Trial Examiner: I will permit it. You may answer.

The Witness: Ella Herrerias and all the other supervisors [1257] saw it.

Trial Examiner: Saw what?

The Witness: Saw the apples that I had put up on the motor, that were carved with faces in them.

Trial Examiner: How many other supervisors were there, that you are talking about?

The Witness: Well, I don't know offhand. I don't know just how many there was. I know there was quite a few men and one woman.

Trial Examiner: Are you through?

Mr. Magor: I am through.

Trial Examiner: Mr. Berke, do you have any more?

#### Recross Examination

Q. (By Mr. Berke): You say Ella saw them, you are assuming that because she was there?

A. Well, she passed by there.

Q. Yes, but she didn't direct your attention to the fact that she was noticing them that day?

A. No, I just heard her give a chuckle and walk off, that's all.

Q. You don't know what she was chuckling about, do you?

A. Well, naturally, I assumed she was chuckling about the apple.

Q. Yes, that's an assumption on your part?

(Testimony of Mary Castino.)

A. Yes, that's all. [1258]

Mr. Berke: That's all. I have no further questions.

Further Redirect Examination

Q. (By Mr. Magor): Where was she at the time she gave this chuckle?

A. Right in back of me.

Q. And where were those apples?

A. Right up on the motor.

Mr. Magor: Nothing further.

Trial Examiner: I wanted to ask, did you ever see such apples in front of any of the other women?

The Witness: Oh, they passed there before they get to me.

Trial Examiner: No, I don't mean that went by, but some that had been taken out and put up in front of the other women?

The Witness: No.

Trial Examiner: You never saw those?

The Witness: No. [1259]

\* \* \* \* \*

GLORIA LEE DE FONT

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

\* \* \* \* \*

Q. (Mr. Mr. Magor): Mrs. De Font, were you ever employed by Sebastopol Apple Growers Union?

A. Yes.

(Testimony of Gloria Lee De Font.)

Q. When were you first employed by the Company?

A. About July the 15th or the 18th, 1954.

Q. During the time that you were working for the Company, were you married?      A. No.

Q. What was your maiden name?

A. Gloria Pate.

Q. Is that P-a-t-e?      A. P-a-t-e.

Q. How do you refer to the Company, as Molino, Sagu, or what?      A. Molino.

Q. Molino. What shift were you working on when you were first employed? [1260]

A. Day shift.

Q. Do you recall what hours you were working?

A. I believe for a while we started at six, and then we were working from seven till four, and then the last day I went to work, started at eight.

Q. What jobs did you have while you were working for the Company?

A. Most of the time I trimmed at the squirrel cage, but I worked behind the peelers and I worked on the slicer and I worked on the sorting table.

Q. When you worked near the squirrel cage, who worked with you?

A. Gloria Lindsay and Mary Castino.

Q. Do you know Darrel Beavers?      A. Yes.

Q. What was his position when you first went to work for the Company?

A. Superintendent.

Q. Had you known Darrel Beavers before?

A. Yes.

(Testimony of Gloria Lee De Font.)

Q. Where had you known of him before?

A. I worked—he was my boss at Manzana's Cannery for three years, I believe it was three years.

Q. And was he Superintendent of Sagu or Molino when you first started to work?

A. Yes. [1261]

Q. Did you have any conversation with Mr. Beavers concerning the Union?      A. Yes.

Q. Do you recall when that was, in relation to the date when you first went to work?

A. Well, it was right, either right at the end of July or the first part of August, around the 1st or 2nd.

Q. Do you know what time of day it was?

A. Well, it was a recess, I don't remember if it was in the morning or afternoon recess.

Q. Will you tell us what occurred at that time?

A. He asked me to come up to his office and see him at recess, and I went up to his office.

Q. All right. You went up to his office?

A. Yes.

Q. Where was the office located?

A. Well, you came in the door and you turned left and went up the stairs.

Q. When you got in his office, was anybody else present?      A. No.

Q. Just yourself and Mr. Beavers?      A. Yes.

Q. Will you now relate for us the conversation that occurred at that time, and tell us what was said and who said it?

A. Well, Darrel asked me, told me that he

(Testimony of Gloria Lee De Font.)

wanted to talk to me about the Union, and so I said well, what about the Union, [1262] and he said well, the Union is going to be in one of these days around here, it is going to be starting up, and, he said, you were supposed to have had something to do with the Union over at Manzana's Cannery; and he said, I don't know if you do or not, I don't want to know, that's your business, whatever you do, he said, but they asked me here if you had anything to do with the Union and I told them no; and he said I don't know if you did or not, but I told them no, because I don't want you to lose your job, and I know that you would lose your job if I had told them yes. And he said that he thought that I—if I went back to Manzana's Cannery that I would be black-balled because of that, because of the Union before. He said he didn't want to know anything, he didn't want me to tell him anything about the Union, as far as what I had done or anything like that, but when the Union came out there, if I would just not get out in front and start anything.

Q. Did he say why he didn't want you to get out in front?

A. He said because it would be bad on him, bad on him, and that I would get fired.

Q. What else was said, if anything?

A. He told me not to say anything to anybody. He said he was telling me that for my own good.

Q. Now, did you—Strike that.

Had you been active for the Union while you were working at Manzana? [1263]

A. Yes.

(Testimony of Gloria Lee De Font.)

Q. Did you sign any Union authorization card at the time you were working for Sagu?

A. Yes.

Q. In 1954?            A. Yes.

Q. Do you recall when it was?

A. I believe it was around August the 4th.

Q. Was this before or after you had talked to Darrel Beavers?      A. After.

Q. ———that you signed the card?      A. Yes.

Q. I show you General Counsel's Exhibit 28 in evidence, and I ask you to look at it, please.

A. Yes, that's what I signed.

Q. Was the card that you signed similar to this card?      A. Yes.

Q. Now, after signing the card, Mrs. De Font, what Union activity, if any, did you engage in?

A. I was on the committee.

Q. What committee was that?

A. The day committee, from Molino.

Q. I see. And when were you on the committee, do you recall?      A. No.

Q. How long after you signed the card? [1264]

A. I don't know. It was a while after that. I wasn't on the first committee, I was just added to the committee.

Q. I see. And can you tell us, to the best of your recollection today, who the other members of the committee were while you were on it?

A. Gloria Lindsay, Mary Castino, Mr. and Mrs. Storey, Margie—I don't know her last name.

Q. Byrd?



(Testimony of Gloria Lee De Font.)

A. Yes, and Eva Lee. That's all I can think of right now.

Q. How did you happen to be on the committee?

A. I believe that Lila and Mary, Mary Russell or Lila Layman, something like that, they come up and asked us, told us that they wanted us to be on the committee.

Q. When you say "us," who are you referring to?

A. Gloria Lindsay and myself.

Q. Did you attend any Union meetings?

A. Yes.

Q. And do you recall how many you attended?

A. A lot of them.

Q. Was that during the time you were working for the Company?

A. Yes.

Q. Did you ever have any conversations with Mr. Martini with respect to the Union?

A. Yes.

Q. Do you recall when the first—when first you had a [1265] conversation with him?

A. I don't recall the date. He used to talk to us all the time.

Q. When you say "us," who are you referring to?

A. Gloria Lindsay and myself. He didn't always talk about the Union, he used to just talk to us, and sometimes he'd talk about the Union, and sometimes he wouldn't, so I can't say for sure the dates.

Q. How long was it after you signed a Union card that he first talked to you about the Union? That is the only conversation we are concerned with.

(Testimony of Gloria Lee De Font.)

A. Well, it was just after that, I guess. He used to come up to us, our friends——

Q. Just a minute. You say just after that?

A. Yes.

Q. How long after that, approximately?

A. Oh, a day or two maybe.

Q. Where were you talking to him?

A. Where?

Q. Yes.            A. Squirrel cage.

Q. And is that where you worked?

A. Yes.

Q. Who else was present at the time?

A. Gloria Lindsay. [1266]

Q. Would she participate in the conversations?

A. Yes.

Q. Do you recall what time of day it was?

A. He used to come in the morning, sometimes, and in the afternoon.

Q. Was this during working hours?

A. Yes.

Q. Will you relate for us what he had to say— or, strike that.

Tell us what was said and who said it.

A. Well, sometimes he'd say our friends were outside, and wanted to know what our friends had to say to us, and then one day he came in and asked us what we thought of the Union, and we told him that we thought we thought the Union was a pretty good deal, and he said that we didn't know what we were getting into, that it wasn't as good as we

(Testimony of Gloria Lee De Font.)

thought it was going to be, and that we might receive more money but we'd have to pay out so much that it wouldn't matter much one way or the other; and he said that each year we received an increase in wages, and we said, yes, we received an increase, five cents an hour more every year, and he said yes, and I said next year we'll be making a whole dollar an hour, and he said that is right, he said, maybe even more, and he told us to think it over.

Q. What was said about these wage increases, what else, if anything? [1267]

A. He said it would be a dollar five at night, probably.

Q. What did he say if the Union got in?

A. Well, he said——

Mr. Berke: Just a moment. I object to that as leading and suggestive.

Trial Examiner: I don't know that you had exhausted her recollection, Mr. Magor.

Mr. Magor: I withdraw the question.

Q. (By Mr. Magor): Have you exhausted your recollection? A. Yes.

Q. Was anything said with respect to wage increases, concerning the Union? A. Yes.

Q. What did he say?

A. He said we would probably receive more money if the Union got in, but that we'd have to pay out in dues and all that stuff and that we wouldn't be getting as much as we thought we would.

Q. What else was said, if anything?

(Testimony of Gloria Lee De Font.)

A. That's all I can remember.

Q. How long did that conversation last, approximately-

A. Ten or fifteen minutes, I guess.

Q. Did you talk to Mr. Martini after that?

A. Yes.

Q. Do you recall when it was, the next time you talked to him? [1268]

A. No.

Q. Did you talk to him each day?

A. Almost every day, every time he came in, that he came by, he'd come over and talk to us.

Q. Did he talk about the Union each time that he talked to you?

A. Every time, did you say?

Q. Yes.      A. No.

Q. Did he talk about the Union after that?

A. Yes.

Q. All right. Do you recall approximately when it was, with relation to this conversation that you have just related, that he talked about the Union?

A. Well, he gave us a clipping, a newspaper clipping, and that was after Mrs. Storey was fired, and he told us to read that, and to show it to the Union officials, and then we showed it around the place, the plant there, and showed it to them, and it had something to do about the Union back east, spending all the money that they got in, or something. I didn't pay too much attention to it. And he'd come back——

Mr. Berke: Well, I think just about all this is subject to a motion to strike as non-responsive.

(Testimony of Gloria Lee De Font.)

Trial Examiner: Well, I will let it in. I let it in before. I will let it stand. [1269]

Q. (By Mr. Magor): You say this conversation was after Mrs. Storey was discharged?

A. Yes.

Q. Did he give you a newspaper clipping at that time? A. Yes.

Q. And have you related the full conversation at that time?

A. I don't know, there might have been more. That's all I remember about it.

Q. Was this during working hours?

A. Yes.

Q. Do you recall how long he was talking to you at that time? A. No.

Q. Did you have any other conversations with Mr. Martini that you recall, with respect to the Union?

A. That's all I can think of right now.

Q. Have you exhausted your recollection?

A. Yes.

Q. Was there any conversation with respect to his closing down his operations? A. Oh, yes.

Q. Do you recall when that was?

A. That was when he was talking about the regular wage increases every year, right after he finished that, we asked him if he was going to close down the plant, and he said that he'd closed down his plant in Santa Rosa and he would do the same at Molino if we [1270] was to go Union.

(Testimony of Gloria Lee De Font.)

Q. Did you wear a Union button while you were working?      A. Yes.

Q. Do you recall when it was that you first wore such a button?

A. I first wore it on the 14th. I had two on my hat and two on my collar.

Q. 14th of what month?      A. October.

Q. Where did you receive the button, where did you get the button?      A. At a Union meeting.

Mr. Berke: What is the answer? I didn't get it.

The Witness: Union meeting.

Q. (By Mr. Magor): I show you General Counsel's Exhibit 31 in evidence and I ask you whether the button or buttons that you had were similar to that?      A. Yes.

Q. After you got it at the Union meeting, or got them at the Union meeting, what did you do with the buttons?

A. Well, I got a lot of them and I put them in the jockey box in my car.

Q. Put it in what?

A. In the jockey box in my car.

Q. I see. Then what did you do? [1271]

A. Then I gave them to people that didn't get them.

Q. And where did you give them to people that didn't get them?      A. At the cannery.

Q. At the cannery?      A. Parking lot.

Q. And did you say you wore buttons yourself?

A. Yes.

Q. Where did you wear them?

(Testimony of Gloria Lee De Font.)

A. I wore one on each side of my collar and one on each side of my hat.

Q. Were they plainly visible?           A. Yes.

Q. Did you work on October the 15th?

A. Yes.

Q. Did Gloria Lindsay work on that day?

A. No, no.

Q. Do you know why?

A. She was sick.

Q. I see. Did you talk to any representative or supervisor of the Company with respect to Gloria Lindsay?           A. Yes.

Q. Who were you talking to?

A. Eva Lee. I told her that she was sick.

Q. What did Eva Lee have to say?

A. She said all right, thank you. [1272]

Q. Did you work the full shift on October 15th? By that I mean did you work the full day?

A. Yes.

Q. What occurred that day?

A. Eva Lee told us that there was going to be a meeting and for us to go across the street to the building across the street.

Q. And what time of day was it that Eva Lee told you that, to the best of your recollection?

A. I believe it was at four, or a little before four she told us.

Q. And when you say "us," who are you referring to?

A. Mary Castino and myself. We were both working there.

(Testimony of Gloria Lee De Font.)

Q. What did you do then?

A. We went over there.

Q. Did you punch out at all?

A. I don't remember punching out.

Q. And you say you went over there; where did you go?

A. Over to the building right across from the cannery.

Q. Who was present at the time?

A. Everybody.

Q. By "everybody," who are you referring to?

A. The night shift and the day shift and Mr. Martini, Mr. Bondi, people that were in the office.

Q. And when you refer to the night shift and the day shift, are you referring to the employees of the night shift and the [1273] day shift?      A. Yes.

Q. Tell us what occurred at that time, tell us what was said and who said it.

A. Well, Mr. Bondi talked first I believe and he said that there was going to have to be a lay-off, and he thanked everybody for working, and they hoped everybody would come back next year, and he said they were going to have a dinner at the end of the season, for everybody to come, and then somebody else talked or read the list or something, Mr. Martini said something, and then they read a list of names off of the people who were supposed to return to work on Monday.

Q. Was your name read?      A. Yes, it was.

Q. Was Gloria Lindsay's name read?

A. No.



(Testimony of Gloria Lee De Font.)

Q. Did you tell Gloria Lindsay about this meeting?  
A. Yes, yes.

Q. Did you tell her her name was not read?

A. Yes.

Q. Did you go to work on the following Monday?  
A. Yes.

Q. How did you get to work on that day?

A. Well, Gloria Lindsay wanted to use my car, so I told her she'd have to take us to work. [1274]

Q. Did she drive you out?  
A. Yes.

Q. What time of day did you go to work on that day?  
A. Eight.

Q. Tell us what you did when you got there.

A. Put my apron and gloves on, punched in.

Q. At the time clock?

A. Yes. Went over to the squirrel cage.

Q. You say you went to the squirrel cage?

A. Yes.

Q. Is that the place where you had been working?  
A. Yes.

Q. Was there anything unusual about your attire on that day?

A. Yes, I had my Union buttons on.

Q. How many buttons did you have?

A. Four.

Q. Where were they?

A. One on each side of my collar and one on each side of my hat.

Q. Tell us what occurred at that time.

A. Well, we started working, and then Charlie came by—

(Testimony of Gloria Lee De Font.)

Q. Charlie who?

A. I believe his name is Williams. I'm not sure.

Q. What position did he have with the Company, to your knowledge?

A. Some kind of a boss. [1275]

Q. And you say he came by; where did he come?

A. Well, he came from over in the middle of the building. I don't know where he was coming from, but he came right by me.

Q. All right. And did he engage in any conversation with you at the time? A. Yes.

Q. Was anybody else present who engaged in such conversation? A. Pardon?

Q. Did anybody else participate in the conversation? A. No.

Q. Tell us what was said and who said it.

A. Charlie Williams asked me what I was doing there, and I said I was working, and he said, "Well, you are not supposed to be here." And I said, "Well, my name was on the list to report to work." And he said, "No, it wasn't." And I said, "It was, too." And so he said, "Well, we will see about that," and he turned around and walked upstairs.

Q. All right. You say he turned around and walked upstairs. Did you observe him?

A. Yes, I was watching him.

Q. All right. Where did he go?

A. He went up to the office, the Superintendent's Office.

Q. Where is the Superintendent's Office located?

A. Right up the stairs, the first door as you go

(Testimony of Gloria Lee De Font.)

up the stairs, and it's got glass around it. [1276]

Q. It has glass around it? A. Yes.

Q. That is, the office? A. Yes.

Q. Can you see through the glass?

A. Yes.

Q. Approximately how far away from you was the office?

A. Well, you had to go over a little way, then you had to go upstairs. It wasn't too far.

Q. I see. And what did you observe?

A. Well, he talked to Ella and he talked to Duckworth, but I don't know which one of them he talked to first, and I saw him pick up a piece of paper and look at it. Then he came downstairs and talked to either Ella or Duckworth, whichever one he hadn't talked to already.

Trial Examiner: That is Ella Herrerias?

The Witness: Yes, and then he walked back over to me and said that he was sorry, that my name was on the list, but that they had made a mistake, and that I wasn't supposed to have been there, and he said, "You will have to punch out and go home." I said, "If I have to punch out and go home, you will have to pay me for reporting to work," and he said, "We will pay you for two hours," so I said, "Thank you," and I punched out and went over to the office.

Q. Now, did you see Mr. Martini on this occasion? [1277]

A. I didn't see him right then. I went to the office and asked if he was in yet.

(Testimony of Gloria Lee De Font.)

Q. I see. Then what happened?

A. And they said no, and so then I went and phoned Gloria Lindsay and told her to come back and pick me up, and so then I waited inside, and she came and we went outside, and Mr. Martini was just coming in. [1278]

\* \* \* \* \*

Q. (By Mr. Magor): Now, was anybody present with you at the time? A. Yes.

Q. Who was present?

A. Gloria Lindsay and Ruthie Deal, or something like that.

Q. Did Gloria Lindsay engage in the conversation? A. No.

Mr. Berke: Excuse me a minute. Can I get the name of that other person? [1279]

(Answer read.)

Q. (By Mr. Magor): Did Ruthie Deal or something engage in the conversation? A. No.

Q. Do you recall what time of day it was?

A. Well, it might have been nine o'clock by then. I'm not sure.

Q. Will you now relate for us today the conversation that occurred at that time and tell us what was said and who said it.

A. I told Mr. Martini that I had just been laid off and I wanted to know why I had been laid off, and he said that he didn't know, and he said, "Was your name on the list?" and I said "Yes, it was." I said, "I came to work and they told me that they had made a mistake," and he said that they—oh, I

(Testimony of Gloria Lee De Font.)

told him that they were hiring other people in there right now, after they had laid me off, and he said he didn't know, and so I said—he said that they were laying people off in accordance with seniority. I said, well, there's people that worked here for three and four years that were laid off the other day, and he said, well, the years before don't count, it's just this year, and I said, well, I came to work on the first day and worked this year and he said, well, I don't know, I just don't know.

Q. Is that all he said at that time?

A. That's all I remember him saying. [1280]

Q. On October the 19th, 1954, the National Labor Relations Board held an election at the Respondent's plant. Did you vote in that election?

A. Yes, I did.

Q. What, if anything, happened to your ballot?

A. It was challenged.

Q. Now, after that date that you have related, the day that you last talked to Mr. Martini,—Do you recall that testimony?      A. What?

Q. Do you recall that testimony you just gave a few moments ago?      A. Yes.

Q. After that, did you ever go back to the plant at all?      A. Yes.

Q. Do you recall when it was?

A. After I voted?

Q. Yes.

A. Well, I took my apron and gloves back, but I don't remember just when it was.

(Testimony of Gloria Lee De Font.)

Q. How long was it after the date of the election?

A. Oh, maybe three weeks. I am not sure.

Q. I see. Did you get paid for working on that day?      A. Yes.

Q. And was that on that occasion?

A. That I went back over there? [1281]

Q. Yes.

A. No, I believe I got that in the mail, but I didn't get it right away, and I phoned over and asked them about it, and then they mailed it to me, I think.

Q. And for how many hours did they pay you?

A. Two.

Q. You say you brought your apron and gloves back?      A. Yes.

Q. And who did you give them to?

A. Not my gloves, my hat; my apron and hat, I'm sorry.

Q. Your hat. Who did you give them to?

A. I think I gave them to Ella.

Q. Ella Herrerias?      A. Yes.

Q. Any conversation occur at the time?

A. She just asked me how I was.

Q. Now, I may have asked you this question; if so, why,——

On this date of the meeting, on October the 15th, you say Gloria Lindsay's name was not read?

A. Not read.

Q. Did you tell her her name was not read?

A. Yes. [1282]

(Testimony of Gloria Lee De Font.)

Cross Examination

Q. (By Mr. Berke): What time did you go out to Sagu on the morning of Monday, October the 18th?

A. I believe it was at—What time did I go there or—

Q. Yes, what time did you go there?

A. —or what time did I start work? I don't know.

Q. You haven't any idea? You are shrugging your shoulders. By that you mean no?

A. I don't know what time I arrived there, no.

Q. All right. When you arrived there, what did you do?

A. I went inside and put my apron and gloves on and punched in and went over and stood at the squirrel cage.

Q. There was a card in the rack for you, was there?      A. Yes. [1284]

Q. With your name on it?      A. Yes.

Q. What time did you punch in?

A. It was probably five minutes to eight.

Q. Five minutes to eight?      A. Probably.

Q. The starting hours were what at that time?

A. I believe they were from eight to five.

Q. Then, after your discussion with Mr. Williams, did you punch out?      A. Yes.

Q. What time did you punch out?

A. I don't know.

Q. Approximately?

A. Well, I'd only been working for a little bit.

(Testimony of Gloria Lee De Font.)

Q. How much is a little bit?

A. Maybe ten minutes.

Q. So you punched out shortly after eight o'clock that morning?

A. As far as I remember.

Q. Now, you were asked by Mr. Magor whether there was anything unusual about your attire on that morning, and you said you had four buttons on, is that correct?      A. Yes.

Q. Did I misunderstand you—and correct me if I did—that shortly before October 15th you had worn four buttons, one on [1285] each side of your hat and on your apron?

A. Before the 15th, did you say?

Q. Yes.      A. Yes.

Q. So that you had the same number of buttons on Monday, October the 18th, as you had had on prior to October the 15th?      A. Yes.

Q. Is that the only thing that was unusual about your attire on Monday, October the 18th?

A. Yes.

Q. You wore the same buttons, that is, the same four buttons on October the 18th that you wore prior to October the 15th?      A. Yes. [1286]

\* \* \* \* \*

Q. Now, going to the conversation you say that you had with Mr. Martini about a day or two after August the 4th, that was the time, wasn't it, that you mentioned, a day or two after August the 4th was the first conversation you had with him?

A. Yes.



(Testimony of Gloria Lee De Font.)

Q. What was it that you said about getting an annual increase?      A. Getting what?

Q. An annual increase.

A. Was that what I said?

Q. Yes.      A. That Mr. Martini said.

Q. Well, what was it? Did I understand you to say that you [1287] said—

A. We'd receive an increase in wages each year, yes. Mr. Martini said that they received a regular increase in wages every year.

Q. Had you asked him about the wage increase?

A. No.

Q. What did you say to him then, when he said that?

A. I said yes, we'll get a whole dollar an hour next year.

Q. You said that?      A. Yes.

Q. And what did he say in response to that?

A. He said, yes, you probably will.

Q. And then, was it after that that you asked him if he was going to close down the plant?

A. As far as I remember, it was.

Q. It was you that asked him that, or was it Gloria Lindsay that asked him?

A. I don't remember.

Q. One of the two of you asked him?

A. We were both—all talking.

Q. Well, one of the two of you asked him that question?      A. Yes. [1288]

\* \* \* \* \*

Q. All right. Now, on the occasion of your con-

(Testimony of Gloria Lee De Font.)

versation with Mr. Beavers, can you tell us about when that took place?

A. When the conversation took place?

Q. Yes.

A. It was the end of July, or around the 1st or 2nd of August sometime.

Q. And that was about two weeks after you had gone to work [1289] there?      A. Yes.

Q. And you had known Mr. Beavers for several years, had you?

A. I had worked under him for either two or three years at Manzana.

Q. I see. Where is Manzana located?

A. Well, it is out at Graton, just a little ways from Graton. Green Valley Road, I think is the name of the road.

Q. That is just a few miles from Molino, isn't it?      A. Yes.

Q. How long was Mr. Beavers Superintendent at Sagu, or Molino, if you recall?

A. I don't remember exactly how long.

Q. Just for a short period?

A. Well, I couldn't say for sure. It wasn't too long, but it was more than a month, as far as I can remember.

Q. As far as you recall, he wasn't Superintendent at Sagu or Molino for more than a month, is that right?

A. Well, he was there at least a month, but I couldn't say for sure how long.

Q. And this reference that you say he made to

(Testimony of Gloria Lee De Font.)

black-balling, that was in connection with work at Manzana, was it?       A. Yes.

Q. Going back to the meeting at the warehouse on October 15th, you say Mr. Bondi spoke first?

A. As far as I remember, he did.

Q. And then do you recall who spoke after him?

A. I know somebody spoke. I don't remember if it was Mr. Martini or somebody else.

Q. I see. Do you recall whether Mr. Bondi, in speaking, read a letter?

A. I don't remember. I think Mr. Martini read the letter. I'm not sure.

Q. Not sure. Don't know whether Mr. Martini spoke after Mr. Bondi, or did he speak last?

A. I said I don't remember if it was the other man or Mr. Martini that spoke after him. [1291]

\* \* \* \* \*

Trial Examiner: Did you get a wage increase in 1954?

The Witness: Yes.

Trial Examiner: When did you get that?

The Witness: Well, every year we get a five cent raise, so it must have been right at the beginning of the season.

Trial Examiner: Had you worked there before?

The Witness: No, but I worked at Manzana's Cannery before for three years, I think it was, either two or three; I started out at eighty cents an hour, the next year I got eighty-five, the next year ninety, and then ninety-five.

(Testimony of Gloria Lee De Font.)

Trial Examiner: Well, in 1954, at the beginning of the season, what were you getting?

The Witness: I think I was getting ninety-five, as far as I can remember.

Trial Examiner: Then, if you got an increase during that year, you were raised to one dollar, were you?

The Witness: No, I think we started out at ninety-five cents. We got the increase before we started working, usually.

Trial Examiner: Well, you don't remember, then, when you did get the increase?

The Witness: As far as I remember, it was before we started working. [1293]

\* \* \* \* \*

### JOHN FIORI GREGORI

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows: [1312]

\* \* \* \* \*

#### Cross Examination

Q. (By Mr. Berke): Mr. Gregori, were you last year an officer of the Sebastopol Apple Growers Union?      A. No.

Q. Were you a member of the Board of Directors of that organization?      A. No.

Q. Were you an employee of that organization?      A. No, no.

Q. Are you an officer this year?      A. No.

Q. Are you a Director this year?      A. No.

Q. Are you an employee?      A. No. [1313]

\* \* \* \* \*

(Testimony of John Fiori Gregori.)

Q. (By Mr. Berke): Mr. Gregori, do you know a Mrs. Marie Tripp? A. Yes.

\* \* \* \* \*

Q. (By Mr. Berke): Did you know her when she worked for the [1315] Sebastopol Apple Growers Union? A. Yes.

Q. Did you ever have a conversation with her in which you told her that Sebastopol Apple Growers Union were taking apples to the Sebastopol Co-operative Cannery as fast as they can so as to clear out the warehouse, and if the Union got in they would shut down the cannery? A. No.

Q. Did you make any statement in substance or effect along those lines to her? A. No.

Q. Did you haul any apples for Sebastopol Apple Growers Union last year? A. Yes.

Q. Where did you take those apples to?

A. I took them to the co-op driers.

Q. The co-op driers? A. Yes. [1316]

\* \* \* \* \*

Q. And will you tell us, if you know, why apples were being sent to the Sebastopol Co-operative driers?

A. Well, the few that I hauled there was awful bad, and they were just about all rotten.

Q. When you say "awful bad," describe the condition of them.

A. Well, the apples were not any good for any use at all.

Q. They couldn't be sold as fresh fruit?

A. No, absolutely. [1318]

\* \* \* \* \*

## GEORGE LAWRENCE SILVA

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

## Direct Examination

Trial Examiner: Will you state your full name, please?

The Witness: George Lawrence Silva.

Trial Examiner: Do you spell your name with a "w" or a "u"—Lawrence?

The Witness: "W."

Trial Examiner: And your home address?

The Witness: 660 Britton Street, Sebastopol.

Trial Examiner: That is Sebastopol, California?

The Witness: Yes, sir.

Q. (By Mr. Karasick): Mr. Silva, did you ever work for Sebastopol Apple Growers Union?

A. Yes, I have.

Q. When did you begin working there?

A. 1951.

Q. What was your job at that time?

A. Fork-lift driver, cold storage. [1341]

Q. You remained at the Company until what time, what year?      A. May, '54.

Q. And were you discharged, or did you quit?

A. I quit.

Q. Now, it was a voluntary quit on your part?

A. Yes.

Q. And you are now employed elsewhere?

A. Yes.

(Testimony of George Lawrence Silva.)

Q. Now, in 1952, did you have the same or a different job than you had in 1951?

A. Different job.

Q. What was your job in 1952?

A. Plant Superintendent.

Q. And when were you made Plant Superintendent? A. April, '52.

Q. And how long did you hold the job of Plant Superintendent? A. Till May of '54.

Q. Until you left? A. Until I left.

Q. As Plant Superintendent, what did you have jurisdiction over?

A. Over the cannery, the cold storage and the warehouses.

Q. In 1952, do you recall a time when the Company reduced operations to one shift?

A. Yes. [1342]

Q. It had two shifts up to then, a day and a night shift, is that correct? A. Yes. [1343]

\* \* \* \* \*

Q. (By Mr. Karasick): Do you recall that the plant reduced operations to one shift in 1952?

A. Yes.

Q. Now, when that was done, under whose supervision was the reduction accomplished?

A. Under my supervision.

Q. And how did you reduce to one shift at that time? In what manner?

Mr. Berke: Just a moment. I object to that as not proper evidence at this part of the case.

Trial Examiner: Overruled.

(Testimony of George Lawrence Silva.)

Mr. Karasick: You may answer.

A. We laid off the night shift.

Q. (By Mr. Karasick): Now, in 1953, do you recall that there was a day and a night shift during that season?      A. Yes.

Q. Before the total shutdown of production operations that season, did the Company also reduce to one shift?      A. Yes.

Mr. Berke: Same objection. [1344]

Trial Examiner: Overruled.

Q. (By Mr. Karasick): At that time was the reduction to one shift under your supervision?

A. Yes.

Q. As superintendent. How was the reduction accomplished at that time, in what manner?

Mr. Berke: Same objection.

Trial Examiner: Overruled.

A. The night shift was laid off.

Q. (By Mr. Karasick): Did you lay any of the day shift off in 1952?      A. No.

Q. Did you lay—and I'm talking about the time when the reduction to the shift occurs, you understand.      A. Yes, I understand.

Q. With reference to 1953, the same question.

A. Yes.

Q. Did you lay any of the day shift off in 1953?

A. No.

Q. At the time the two shifts were reduced?

A. No. [1345]



(Testimony of George Lawrence Silva.)

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): You say that in 1952, when the Sebastopol Apple Growers Union went from two shifts to one shift, only the night shift was laid off? A. Yes.

Q. No one from the night shift was put on the single shift? A. Yes, they were.

Q. They were? So then everybody on the night shift was not laid off, is that correct?

Mr. Karasiak: Object. That is argumentative.

Trial Examiner: No, overruled.

A. We used what we could from the night shift on the day shift.

Q. (By Mr. Berke): Yes, and was the same thing true in 1953? A. Yes, yes.

Q. That is, you took people from the night shift and put them on the single or day shift, as you call it? A. Yes, yes.

Q. And you did that, isn't it true, Mr. Silva, in both years if the people on the night shift wanted to work on that day shift, is that right?

A. Would you give me that question again?

Mr. Berke: Yes. Would you read it.

(Question read.)

The Witness: I don't understand the question.

Q. (By Mr. Berke): Well, let me put it to you this way: Weren't there some people on the night shift when you went to the single shift, both in 1952 and 1953, who did not want to work for some reason or other on the so-called day shift, the single shift?

A. Yes, there were several.

(Testimony of George Lawrence Silva.)

Q. I see. You used people on the night shift who did want to work?

A. Yes, we did, if we could use them.

Q. Yes, and you did use them, didn't you?

A. Yes. [1349]

\* \* \* \* \*

Q. 250. Now, did they have two shifts in 1951, do you remember?      A. No. [1352]

\* \* \* \* \*

Redirect Examination      \* \* \* \* \*

Q. (By Mr. Karasick): At the time of the reduction to one shift, night shift employees who wanted to continue working were used on the day shift only to the extent that you had vacancies on the day shift, isn't that so?      A. Yes.

Q. The mere desire of a night shift employee to continue working wouldn't make you create a job on the day shift for them, would it?

A. No. [1357]

\* \* \* \* \*

CARMELITA MONTAFI

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination [1358]

\* \* \* \* \*

Q. (By Mr. Karasick): Did you ever work for Sebastopol Apple Growers Union?      A. Yes.

Q. When did you begin work there?

A. Began the season of 1952.

Q. And what was your job at that time?

(Testimony of Carmelita Montafi.)

A. Trimmer-peeler.

Q. Worked in the production end of the cannery?  
A. Yes.

Q. In 1953, did you also work at the Company?

A. Yes.

Q. Was your job the same or different during that 1953 season?  
A. I was floor lady, 1953.

Q. And, to the best of your recollection, when were you made floor lady that year?

A. Beginning of the season of 1953.

Q. Did you continue to work for all of that season?  
A. Yes.

Q. Were you there as a floor lady at the time the Company reduced—Strike that question.

During the 1953 season, did the Company have a day and a [1359] night shift?  
A. Yes.

Q. Towards the end of the season, did the Company reduce operations to one shift?  
A. Yes.

Q. Were you there as floor lady at the time that happened?  
A. Yes.

Q. Will you tell the Examiner which employees were laid off at that time; how did you choose the employees who would be laid off?

A. Well, Mrs. Herrerias, Ella Herrerias, chose the women she wanted from the night, for me to put on the day, and I took—I put on what room I had, as many girls as I had room for.

Q. Now, will you try to talk a little more slowly, please.  
A. Yes.

Q. Thank you. Were any employees on the day shift laid off at that time?  
A. No.

(Testimony of Carmelita Montafi.)

Q. Employees on the night shift, however, were; is that right?      A. Yes.

Q. There were vacancies on the day shift, and they were filled in with night shift employees, is that the way it was done?      A. Yes. [1360]

\* \* \* \* \*

Cross Examination      \* \* \* \* \*

Q. (By Mr. Berke): Now, in 1953, you say, when they reduced from two shifts to one shift that Mrs. Herrerias chose the women she wanted to go on that one shift?      A. From her night shift.

Q. She—Mrs. Herrerias was the floor lady on the night shift at the time?      A. Yes. [1364]

\* \* \* \* \*

### JOANNE SCHWARTZ

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

\* \* \* \* \*

Q. (By Mr. Magor): You say your name at the present time is Joanne Schwartz?

A. Yes.

Q. Your maiden name was Joanne Chames?

A. Yes. [1368]

Q. Were you married at the time—Strike that. Were you ever employed by Sebastopol Apple Growers Union?      A. Yes.

Q. Do you recall when you were first employed?

A. It was about the end of July.

Q. Of what year?      A. '54.

(Testimony of Joanne Schwartz.)

Q. At the time that you were working for the Company, were you married at that time?

A. No.

Q. During the time that you worked for Sebastopol Apple Growers Union, did you ever sign a Union authorization card?      A. Yes.

Q. Do you recall when it was?      A. No.

Q. How long was it after you went to work for the Company, approximately?

A. Oh, about three weeks, I guess. [1369]

\* \* \* \* \*

Q. Did you work a full shift all the time you were working for the Company?

A. Yes, until school started.

Q. Do you recall when school started, to the best of your recollection?

A. I think it was the 15th of September.

Q. 1954?      A. Yes. [1370]

\* \* \* \* \*

Q. And were you ever present at any time—or, strike that.

Were you ever present during any conversation at which Mr. Martini was present, when Mrs. Storey's name was mentioned?

A. Yes, there was one day in the office.

Q. Do you recall when that was?

A. Well, I think it was a Saturday.

Q. And was this before or after school started?

A. This was after school started.

Q. How long after school started, to the best of your recollection?

(Testimony of Joanne Schwartz.)

A. Oh, about a week and a half, I guess.

Q. And you say you were in the office?

A. Yes.

Q. What office was that?

A. The main office, the big office.

Q. Of the Company?           A. Yes.

Q. Do you recall what time of day it was?

A. It was in the afternoon, after lunchtime.

Q. Was anybody else with you at the time?

A. Yes, Eloise was.

Q. Eloise who? [1371]           A. Mounger.

Q. Was anybody else present in the office?

A. Well, just the help.

Q. Do you recall who they were, or what their names were?

A. I know there was a little dark girl and a white-haired man and a guy they called Baldy, the timekeeper, and I guess — I think there's another lady, too.

Q. I see. Where were you and Eloise standing?

A. Well, we were standing just as you go in, there's a desk there, you know.

Q. I see.

A. We were standing, talking to the lady.

Q. Did you see Mr. Martini at the time?

A. No.

Q. Did he come in the office at all?

A. Yes.

Q. Will you describe what happened and what was said?

A. Well, he came in and he was real mad.

(Testimony of Joanne Schwartz.)

Q. Who was real mad? A. Mr. Martini.

Mr. Berke: Now just a moment. I move that be stricken.

The Witness: He was real mad——

Trial Examiner: Just a minute.

The Witness: He was angry.

Trial Examiner: Strike that, and ask for the usual indicia. [1372]

Mr. Magor: Surely.

Q. (By Mr. Magor): Describe how he looked and what he did.

A. O.K. He was real angry and curt.

Mr. Berke: I move that be stricken.

Trial Examiner: Well, I will strike the answer. What Counsel is asking for is those indications of anger which you would normally recognize, if there were any. How did you know he was angry, in other words?

The Witness: Well, he swore.

Trial Examiner: Is that the only thing?

The Witness: Well, when they act mad, I guess—I just can tell when they are mad. I mean, I don't know what you want me to say, but——

Trial Examiner: Well, am I mad?

The Witness: No, he is.

Mr. Berke: I am? Well, on the basis of that, I think we ought to disqualify the witness, because internally I was chuckling.

Mr. Karasick: I think the girl deserves a silver star.

(Testimony of Joanne Schwartz.)

Trial Examiner: I will turn it back to you, Mr. Magor.

Mr. Magor: Surely.

Q. (By Mr. Magor): Would you describe his voice as he spoke? A. Well, it was harsh.

Q. Was he talking in a normal tone of voice or otherwise? A. No. [1373]

Mr. Berke: Just a moment. I object to that. What is Mr. Martini's normal tone of voice?

Trial Examiner: Well,—

Mr. Berke: It calls for an opinion and conclusion.

Trial Examiner: I suppose that means the speaking voice, normal speaking voice.

Mr. Berke: What is a normal speaking voice for an individual? We don't all speak in the same tone.

Trial Examiner: The one that we have heard here.

Mr. Berke: Was she present?

Trial Examiner: I will permit it. I think that's within the proper range. You may answer.

The Witness: And he was—he swore, and he said that he was sick and tired of everyone telling him what to do and that he was going to get rid of Mrs. Storey because she talked too much about the Union and it wasn't good.

Q. (By Mr. Magor): What else was said, if anything? A. I guess that was all.

Q. What did you do then?

A. We left, and then we went back to the can-  
nery.



(Testimony of Joanne Schwartz.)

Q. Did you talk to Edna Hardin at that time?

A. Yes, I asked her—

Q. Where were you talking? Just a minute. Just wait a minute. You say you did talk to Edna Hardin?

A. Yes. [1374]

Q. Where were you talking to her?

A. In the cannery.

Q. Was anyone else present at the time?

A. No.

Q. How long was it after you left the office that you talked to Edna Hardin, that you were talking to Edna Hardin, approximately?

A. Oh, I guess about ten minutes.

Q. Will you tell us now, to the best of your recollection today, what was said at that time, what you said and what she said?

A. Well, I asked Edna if Mrs. Storey was fired, and she said yes, she'd been fired, and I asked her why and she said, well, they couldn't have that kind of people around that talk about the Union all the time.

Q. Was anything else said, to your recollection?

A. No.

Q. Were you ever present at any time, Mrs. Schwartz, when the equipment about the slicer was discussed with Mr. Martini?

A. Yes.

Q. Do you recall when that was?

A. Well, something they put in wrong.

Q. Do you remember when it was?

A. Oh, it was in the middle of the week.

Q. And do you recall what month it was? [1375]

(Testimony of Joanne Schwartz.)

A. Well, it was after—no.

Q. What was the last day on which you worked for the Company, if you recall?

A. Well, it was about two weeks after school started.

Q. Well, in relation to that, do you recall now when this conversation was concerning the equipment on the slicer?

A. Well, it was after school started.

Q. It was after school started. Where were you at the time?

A. Well, I was working with this lady, Eleanor, with her on the slicer.

Q. And do you know Eleanor's last name?

A. No.

Q. Was she an employee of the Company?

A. Yes.

Q. Do you recall what time of day it was?

A. It was in the afternoon.

Q. And you say you were working—Were you working on the slicer at the time?

A. Well, it's not the slicer, it's that belt that goes up into the big kettles.

Q. I see. What was that belt used for?

A. Well, I guess it's—we have to pick out the little chips in it.

Q. Was there anything wrong with it?

A. Well, the screen wasn't letting the chips fall out. [1376]

Q. The screen wasn't what?

A. Letting the chips fall out.

(Testimony of Joanne Schwartz.)

Q. Out of what?

A. Out of the apple slices.

Q. I see. And what chips are you referring to?

A. Oh, just like little pieces of core and little pieces of apples that aren't supposed to go in the applesauce.

Q. Was there any conversation with Mr. Martini with respect to this?

A. Well, she told — Eleanor told Mr. Martini that——

Mr. Berke: Wait a minute.

A. (Continuing): ——the screen had to be changed.

Mr. Berke: Now, wait a minute. No foundation laid to show Mr. Martini was present, and who else was present.

Trial Examiner: Inquire a little further on that, Mr. Magor.

Q. (By Mr. Magor): Was Mr. Martini present at the time?      A. Yes.

Q. Were you present?      A. Yes.

Q. Was Eleanor present?      A. Yes.

Q. Was anybody else present at the time?

A. The rest of the girls that worked on the slicer.

Q. Did they engage in the conversation? [1377]

A. No, they just listened.

Q. Do you recall who these girls were, their names?      A. No.

Q. Will you tell us now, to the best of your recollection today, what was said and who said it?

(Testimony of Joanne Schwartz.)

A. Well, she told him that the screen had to be changed, and he said he couldn't stop everything and change it, but he would change it, and that was about in the middle of the week, and they didn't get around to changing it until Saturday.

Mr. Berke: I move the last part be stricken as not responsive.

Trial Examiner: Sustained, granted.

Q. (By Mr. Magor): Was the screen changed?

A. Yes.

Q. When was it changed, after this conversation with Mr. Martini? A. On a Saturday.

Q. How many days later was it, after Eleanor had told him about the screen?

A. It was about three days.

Q. Were you working for the Company at the time a lay-off occurred on October 15th, 1954?

A. Yes.

Q. Was there a meeting held at that time?

A. Well, just before quitting time—well, we met in—I [1378] guess in the warehouse it was.

Q. Was your name called to go back to work?

A. Yes. [1379]

\* \* \* \* \*

#### Cross Examination

Q. (By Mr. Berke): When was it that you were in Mr. Martini's office, when you heard this conversation about Mrs. Storey?

A. It was on a Saturday afternoon.

Q. What month? A. In September.

(Testimony of Joanne Schwartz.)

Q. Well, when in September, could you tell us the date more precisely?

A. Well, it was about, I guess, about the 20th or something—around the 20th of September.

Q. And you were in Mr. Martini's office?

A. Well, the main office I was in. [1380]

Q. And this was in the afternoon, was it?

A. Yes.

Q. About what time?

A. A little—just about—oh, I guess a little bit after one o'clock.

Q. Shortly after one. This was during working hours, was it?

A. Well, we weren't going to go back to work.

Q. Who is "we"?

A. The whole crew.

Q. Oh, was there a reason why the whole crew wasn't going to go back to work?

A. Well, we were having trouble or something and we weren't working. I think that's what it was.

Q. Well, what was this trouble you were having?

A. I don't know, something to do with the cannery. [1381]

\* \* \* \* \*

Q. (By Mr. Berke): Does this have something to do with Mrs. Storey?

A. Well, this is when she was fired.

Q. This is when she was fired?

A. When I was in the office. Isn't that what you were talking about?

Q. Yes, I am talking about the time you say you were in the main office; and this was the same time

(Testimony of Joanne Schwartz.)

that she was fired?      A. Yes.

Q. And what were you in the office for?

A. I don't remember.

Mr. Magor: Objected to on the ground it is immaterial.

Trial Examiner: Overruled.

Q. (By Mr. Berke): Was it——

Trial Examiner: What was the answer?

The Witness: I don't remember what the reason was.

Q. (By Mr. Berke): Was it just you and Eloise that were in the office?

A. Well, we went in there together, but there was office help there.

Q. Yes, but I mean from the employees in the cannery itself? [1383]      A. Yes; oh, yes.

Q. Just the two of you?      A. Yes.

Q. And where were you in the office?

A. Well, just at the desk.

Q. You mean by that this little vestibule as you enter the door, where there is a partition, and that looks like a desk?      A. Yes.

Q. And was there a partition, do you remember, to the right of you that runs along to the wall where the door is?

A. I think there was, yes.

Q. And do you remember, on this partition were there various posters and papers that were held in place either by a thumbtack or something else?

A. Yes.

Mr. Magor: Just a moment. I move to strike the

(Testimony of Joanne Schwartz.)

answer. Objected to on the ground it is immaterial.

Trial Examiner: Overruled.

Q. (By Mr. Berke): Now, which way did Mr. Martini come in while you were there?

A. Well, he came in from that—the door.

Q. Same door that you had come in?

A. Yes.

Q. And where did he go when he came in?

A. Well, he came in and he went behind the desk and he was [1384] talking to this man.

Q. Do you know who the man is he was talking to?

A. Well, I think there was a couple of men there, but one was that white-haired man that is around there all the time.

Q. Does this refresh your recollection, was it Mr. Wilson?      A. I never did know his name.

Q. Do you know what this white-haired man did in the office?      A. No.

Q. Did he wear glasses, do you know?

A. Yes.

Q. Now, you had gone—you say you don't know the reason why you went in there, is that correct?

A. Yes.

Q. How long were you in the office, from the time Mr. Martini came in?      A. Not very long.

Q. Well, approximately?

A. I would say about five minutes.

Q. About five minutes. And it was during this five minutes that you heard him relate what you have told here?      A. Yes.

(Testimony of Joanne Schwartz.)

Q. Were you late checking in that day?

Mr. Magor: Objected to on the ground it is immaterial.

Trial Examiner: Overruled.

A. No. [1385]

Q. (By Mr. Berke): Had you punched in after lunch?      A. Yes.

Q. Do you recall what time it was you punched in?      A. No, I don't.

Q. Where was Mrs. Storey at the time, if you know?

A. I didn't see her when I came back.

Q. And then, after five minutes or so, you left the office and went back in the cannery, is that right?      A. Yes.

Q. And did you go right to your job, or did you go to Mrs. Hardin first?

A. Well, the plant hadn't started up yet, and I went, and I was talking to Mrs. — to Edna, I was kind of close to her.

Q. You say the plant hadn't started up yet?

A. No.

Q. Is that because the crew had not gone to work?      A. I—no.

Q. Pardon?

A. No, it wasn't because the crew hadn't gone to work, it was something to do with the way the cannery ran.

Q. Do you know what that was?

Mr. Magor: Just a moment.

A. No. [1386]

\* \* \* \* \*



(Testimony of Joanne Schwartz.)

Trial Examiner: I have a question I'd like to ask.

Do you remember what your working hours were on Saturday?

The Witness: No, I don't. [1388]

\* \* \* \* \*

Trial Examiner: On the record. Did you have a motion to amend the Complaint?

Mr. Karasick: Yes, I do, Mr. Examiner. I hereby move to amend the Complaint, which is General Counsel's Exhibit 9, that physical document, by adding to Paragraph Six thereof Subparagraph 25, reading as follows: Since on or about June 1, 1955, and at all times thereafter, the Respondent required employees, prospective employees, and applicants for employment to fill out an employment application revealing their membership in or affiliation with labor organizations.

Mr. Berke: Is that your amendment?

Mr. Karasick: That is my amendment.

Mr. Berke: I object to it on the ground that the application doesn't call for any such thing, and I further object on the ground it comes too late, it is not within the scope of the Charge. I further object on the ground that both the Board and the Courts, the Ninth Circuit Court included, have held that applications containing the language which Mr. Karasick says [1396] constitutes restraint, coercion and interference, is not on its face an unfair labor practice, a statement made by Mr. Karasick at the opening of this hearing. I, therefore, object to it.

\* \* \* \* \*

Trial Examiner: Yes, if you need to be. I am going to grant the motion, though. Do you still want to be heard? [1398]

\* \* \* \* \*

ESTHER DOTY

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination [1431]

\* \* \* \* \*

Q. (By Mr. Karasick): Now, you say you are a laboratory technician?

A. That's right. [1432]

\* \* \* \* \*

Q. (By Mr. Karasick): Do you recall a meeting held in the plant, in the upstairs office on October 14th, 1954, at which you and a number of other people were there, Mr. Duckworth and Mr. Williams and Mr. Shuster and some others were determining which people should be retained for the one shift to go on after the next day?

Mr. Berke: Just a moment.

Mr. Karasick: Just go ahead.

Mr. Berke: Just a moment. Are you through with your question? [1469]

Mr. Karasick: Yes.

Mr. Berke: I object to the question as assuming something not in evidence. First, a meeting at which she was present and so forth, at which you were determining—

Trial Examiner: I will sustain it as to the form of the question.

(Testimony of Esther Doty.)

Mr. Karasick: Surely.

The Witness: Wait a minute. Am I supposed to answer that?

Q. (By Mr. Karasick): Were you or were you not, Mrs. Doty, at a meeting a day or two before the reduction to one shift last year, at which a discussion was had as to who should be retained for the one shift?

A. A few days—I don't know how many days before. I was—we—at that time we had the adding machine in the storeroom, it was a little quieter, and it was after—I was adding up how many boxes had been used, and the people you mentioned came in, and when I started to leave they asked me if I'd stay a little while because I had been there longer than some of them and I might know who had worked there longer; and I stayed about a half hour, and it was only a few times that they would mention someone and say, do you know if she—they were also talking about who was a good worker and who wasn't a good worker. I wasn't asked very often, but once in a while there would be someone, and they'd say, do you know how long she had been here. [1470]

\* \* \* \* \*

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): Now, going to this meeting that you say you participated in, which occurred about a few days before October 15th upstairs,—by upstairs you mean up there in the laboratory or where?

(Testimony of Esther Doty.)

A. At that time we had the adding machines in this little storeroom.

Q. Yes.

A. And that was the place. I was in there, adding, when they came in.

Q. When they what?

A. When they came in.

Q. I see. Well, did you meet there in that storeroom?

A. That's where they talked over who were the good workers.

Q. Oh, that is where they talked with you?

A. Yes. [1474]

Q. And you say you were there about how long?

A. About a half hour, possibly.

Q. Now, during the period that they talked with you, was any question asked you, or did you hear any discussion among those who were present about who was for the Union or who was against the Union? A. No, I didn't.

Q. Was there anything said about who was strong for the Union? A. No, there wasn't.

Q. Was there anything said about anyone being an agitator or troublemaker? A. No.

Q. Pardon? A. No.

\* \* \* \* \*

Q. (By Mr. Berke): Do you recall on the occasion of—Strike that.

Did you know Mrs. Orice Storey?

A. Yes, I did.

(Testimony of Esther Doty.)

Q. Do you recall the occasion of her discharge, the latter [1475] part of September of last year?

A. Yes, I remember of her being discharged.

Q. Do you recall an incident a few days before that that involved her?           A. Yes. [1476]

\* \* \* \* \*

Q. (By Mr. Berke): Do you recall what time of day it was?

A. It was right after the whistle blew. I don't remember whether we were having our recess at that time or our noon hour at that time at—between eleven and twelve or twelve and one.

Q. Was this the—what whistle was this?

A. The whistle to go back to work, to call the women back to work.

Q. To call them back to work from what?

A. For the peeling and trimming.

Q. No, no, from what?

A. Oh, from their noon hour.

Q. From their lunch time, is that it?

A. Yes, the whistle blew that the lunch period was over. [1477]

Q. And what were you doing at the time?

A. I was going—I went down to get a sample to make a test, and I went down and got a can from the cooler, and came back up and made a test, and I found the can—the quality wasn't too good, and I went down immediately again to get another can and—

Q. All right. Now, let me ask you, what time

(Testimony of Esther Doty.)

was that, was it after lunchtime, after the whistle had blown?

A. That was after the whistle had blown.

Q. You say you went back down a second time?

A. Yes.

Q. To do what?           A. To get another can.

Q. And where did you go then?

A. I went to the same place, to the cooler.

Q. And did you get it?       A. Yes.

Q. And then what did you do?

A. The first time I went down to get the can, there was a group of women standing at the bottom of the stairs, gathered around the stairs, and I had to work my way through them, in and out, to get out, to get my test, and when I came back the same thing happened each time and——

Q. Go ahead.

A. Mrs. Storey was there and she said to me the first time Mr. [1478] Martini—she said tell Mr. Martini we are not on strike, and I said Mr. Martini was busy, and the next time that I made the trip she told me again, and I said, well, he is in conference. Her floor lady was standing——

Q. You told her again what? Will you relate it?

A. Oh, I'm sorry. She asked me again to tell him.

Q. Tell him what?

A. They weren't striking, they weren't on strike, although the whistle had blown, they weren't working, but she said tell him, and I said he was in con-

(Testimony of Esther Doty.)

ference, and her floor lady was right there. She could have told her.

Q. Well, just tell us what you saw and what was said.

A. I'm sorry, yes.

Q. Was there anything more that was said to you by Mrs. Storey?

A. No, only that she said that the second time.

Q. Now, where was Mr. Martini at the time, do you know?

A. He was up in this little office.

Q. In what little office?

A. The little office adjoining the lab, and he was in conference with someone.

Q. Now, can you tell me approximately how many women were there with Mrs. Storey at the time you observed them?

A. I don't know how many, but there could have been fifteen or twenty or more. It was quite crowded in this little area where I came down the stairs, and where the fork-lift was going [1479] back and forth, it was quite crowded.

Q. Was there a fork-lift going back and forth then?

A. Yes, there was a fork-lift that came in the wide door and came in and was going out.

Q. Now, about how long do you—Strike that.

As near as you can recollect, will you tell us about how long those women stood around there?

A. Probably ten or fifteen minutes.

Q. Now, was this ten or fifteen minutes after the whistle blew or—

(Testimony of Esther Doty.)

A. Yes, it was about the time it would take me to make a test.

Q. Do I understand correctly that the first time you had gone down, taken a sample, gone back up and completed your test?      A. Pardon?

Mr. Berke: Do you want to give that to her?

(Question read.)

The Witness: The first time I didn't complete it entirely. There are times that you can open a can and tell that there is something wrong with it, you do part of the test and you know that you must get another can and see if it is the same, and I had done part of it and then gone down again.

Q. (By Mr. Berke): Can you estimate how long did that take you?

A. Probably seven or eight minutes, from the time I went up with the first test and then back down again. [1480]

Q. Did you finish your answer, or were you saying something else?

A. Well, I wonder if I was understood; that seven or eight minutes was the time it took between—I took the first test up before I went back down again, and then came up with the second test. It was seven or eight minutes during the first test, the first time. Then I made the second trip up and they were still standing there.

Q. I see. There was additional time beyond that seven or eight minutes?      A. Yes.

Mr. Berke: I have no further questions.



(Testimony of Esther Doty.)

Redirect Examination [1481]

\* \* \* \* \*

Q. (By Mr. Karasick): My question is whether or not in the recent past—and let us take since the hearing in this case opened, first, on July 19th of this year, have you discussed this incident you have testified about concerning Mrs. Storey with anyone?

A. I told Mr. Martini about it. [1487]

\* \* \* \* \*

Q. I see. I take it from that, from what you said, that you volunteered this to Mr. Martini, he didn't ask you about it? A. I told him.

Q. He hadn't asked you about it before you told him? A. No.

Q. You knew that it was important?

A. No, only that I knew that we had been told continually to stay out of the way of the fork-lift, and that some of them didn't stay out of the way of the fork-lift. [1488]

\* \* \* \* \*

A. No, I don't remember what our noon period was that day.

Q. Did one or more than one whistle blow that day, do you recall, at the conclusion of the noon hour? [1497] A. No, just one.

Q. One?

A. Yes. I think. You mean right at that time? No, we never have but one whistle.

Trial Examiner: What are you talking about, "that time"; do you mean that day?

The Witness: That day, that is what he means.

(Testimony of Esther Doty.)

Trial Examiner: At noon?

The Witness: Yes, we blow one whistle when we are through, when we are supposed to quit work, and there's another one blown when we are supposed to start to work. [1498]

\* \* \* \* \*

Mr. Karasick: Mr. Examiner, I have asked the reporter to mark as General Counsel's Exhibit 36 for identification a document which is entitled "List of Employees' Names Read by Mr. W. H. McGuire, October 15, 1954, Who Were to be Retained for Work," which I requested from the Respondent during the course of the investigation in this case, and which the Respondent thereafter forwarded to the California Association of Employers and the California Association of Employers thereupon forwarded to our office.

Is that a correct statement? You so stipulate, Mr. Berke?

Mr. Berke: Yes, with the understanding that we do not [1511] stipulate to its accuracy, because its accuracy is very much in question, or its competency or materiality, I will join in the stipulation.

Mr. Karasick: Yes, that is agreeable and so understood. I offer the document in evidence as General Counsel's Exhibit 36.

Mr. Berke: Objection on the ground no proper foundation has been laid, and on the ground that it is incompetent and immaterial and is not accurate.

Trial Examiner Hemingway: Without regard to

the question of its accuracy, it was my understanding that you agreed to the fact that this was a document which came in the ordinary course or in due course from the Respondent to the Board.

Mr. Berke: Yes, we will agree that it was a document that they received in the ordinary course of the mail.

Trial Examiner Hemingway: I will receive the exhibit in evidence. [1512]

\* \* \* \* \*

Mr. Karasick: Mr. Examiner, I have asked the reporter to mark as General Counsel's Exhibit 37 for identification a document consisting of 6 pages, mimeographed, with the caption "Women Production Employees as of October 14, 1954." It is my understanding that Counsel for the Respondent and Counsel for the General Counsel agree that all the names contained on this list, with the exception of those in which an ink check mark appears before the name, comprises employees who it is agreed between us were on the payroll of the Respondent as of October 14, 1954. Those names on this list which have such an ink check mark before them are in dispute, as far as the parties are concerned, as to whether or not they are properly to be regarded as on the payroll as of that date. The document has on it the following notations which have been made in ink, in addition to the check marks I have referred to:

The caption, the date "October 14," a change has been made in ink to show the proper date.

After the name, "Angle, Marvel," in the second

column to the right of that a notation appears of the inked letter D.

The same is true with respect to the second page, after the name "Buhrman, Nina."

The same is true with respect to the second page after the name "Chapman, Alta."

On the third page, the name "Doty, Esther," in the first [1513] column, the date "7/6/54" in the second column, and the "D" in the third column, have been inserted in ink.

On the third page, the name "Jean" has been written above the name which has been stricken out of "Eugene" following the name "Elmore."

On the fourth page, the name "Alice" has been inserted in ink after the name "McCullough."

On the same page, the name "McGuire, Mary E." in the first column, has been written in in ink, as well as the date "7/19/54" in the second column, and "N" in the third column.

On page 5, the figures "10/7/54" have been inserted in ink in the second column appearing on that page.

On page six, the name "Smith, Jessie, Mrs.," has been written in ink in the first column, the figures "7/17/54" have been so inserted in the second column, and the "N" has been so inserted in the third column, with the addition of the words "Quit end of shift 10/15."

A check mark also appears in ink before that name, being one of the employees in dispute between us.

Also with respect to General Counsel's Exhibit

37 for identification, the words and figures "July 12, 1955," appearing in the upper righthand corner of the first page, have been stricken out.

I have also asked the reporter to mark as General Counsel's Exhibit 38 for identification a 3-page mimeographed document [1514] containing the caption "Men Production Employees as of October 14, 1954." It is my understanding that Counsel for the Respondent and Counsel for the General Counsel agree that this list comprises the names of those men employed by the Respondent and on the payroll as of the date indicated, namely, October 14, 1954, as was true with the preceding document. As was true with the preceding document, the persons before whose names ink check marks appear are those who are in dispute between us as to their proper inclusion on the payroll as of that date. The following ink notations appear upon this document:

In the upper righthand corner of the first page, the words and figures "July 12, 1955," have been stricken out.

The figure "14" appears after the word "October" in the caption.

The capital letter "N" appears in the third column following the name "Alman, Lyman."

The capital letter "D" appears on the first page of the document in the third column, following the name "Burger, George."

On page one also, the name "Eugene" has been printed in over the stricken name "Jean" following the name "Elmore."

The last name appearing on that page, namely "Gullege, Alvin," together with the date "7/20/54," have been stricken out. [1515]

On the second page, the capital letter "D" has been inserted in the third column following the name "Johnson, Raymond."

The same is true with respect to the name "Jungers, Oscar."

The capital letter "N" has been inserted in the third column on page two, following the name "Narron, Henry."

The capital letter "N" has been inserted in the third column on page two, following the name "Poggi, Joseph, Jr."

The last name appearing on the page, namely, "Smith, Jessie," the date in the second column "7/17/54," and the capital letter "N" in the third column, have been stricken.

On the third page, the capital letter "D" appears in the third column following the name "Todd, Gerald."

The last notation to appear on page three has been inserted in ink in the following words and figures: "Yeager, Kenneth M.," in the first column. The figures "9/2/54" in the second column. The capital letter "D" in the third column.

The letters "N" and "D" in the third column of each of the documents so identified, General Counsel's Exhibits 37 and 38 for identification, indicate the shift which the employee in question worked, namely, whether it was a night shift or a day shift.

I herewith offer these documents in evidence as General Counsel's Exhibits 37 and 38.

Mr. Berke: No objection. [1516]

Trial Examiner Hemingway: General Counsel's Exhibits 37 and 38 are received in evidence.

(Thereupon the documents above referred to were marked General Counsel's Exhibits Nos. 37 and 38 for identification and were received in evidence.)

Trial Examiner Hemingway: Do I understand that these insertions which you read are corrections which were made before the exhibit was agreed to be the exhibit that you offered it for?

Mr. Karasick: Yes, with the exception of the check marks. I do not know whether those are corrections or not. Those are disputed items. But with respect to all other notations that have been made upon the documents, those are corrections which have been made after consultation between Counsel for the Respondents and ourselves.

\* \* \* \* \*

LEONARD JAMES DUCKWORTH

a witness called by and on behalf of the General Counsel, National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Trial Examiner: What is your full name, please?

The Witness: Leonard James Duckworth.

Trial Examiner: And your home address? [1517]

The Witness: 7586 Elphick Road, Sebastopol.

Direct Examination

Q. (By Mr. Karasick): Mr. Duckworth, what

(Testimony of Leonard James Duckworth.)

is your position with Sebastopol Apple Growers Union?

A. I am the cannery superintendent.

Q. And how long have you occupied that position, Mr. Duckworth?      A. Since July, 1954.

Q. Before that date did you also work for the Respondent?

A. Yes, since July 1, 1952, I was employed as chemist and as cannery foreman.

Q. Now, as superintendent of the cannery, you are in charge of the operations of the cannery itself; is that right?      A. Yes, I am. [1518]

\* \* \* \* \*

Q. And do you know a man by the name of Steve Struempf, Mr. Duckworth?

A. Yes, I do.

Q. And did he work for the Respondent, Sebastopol Apple Growers Union last season? [1521]

A. Yes, he did.

Q. What was the nature of his work?

A. He was the senior mechanic. [1522]

\* \* \* \* \*

Q. (By Mr. Karasick): Now, Struempf instructed the other members of the mechanics' crew that you have just named as to the work they should do and when they should do it, did he not?

A. Yes, but under my direction.

Q. I am just asking you whether he did. Is that right?      A. Yes.

Q. And he directed the work of the other members of the mechanics' crew whenever that was nec-



(Testimony of Leonard James Duckworth.)

essary, did he not? [1523]           A. Yes.

Q. And when any of the members of the mechanics' crew wished to go home early, they received permission from him to do so; is that correct?

A. May I explain that?

Q. Yes, I will give you an opportunity later on to explain. I want you to answer now just whether or not that is true.           A. Yes, that is true.

Q. And Struempf also told the other members of the crew, the mechanic and the mechanics' helpers, when they should work overtime, when it was necessary, and how long, and who should work overtime?

A. Yes, but may I also explain that?

Q. Yes, I will give you an opportunity to explain. I just want to cover these things, and I will come back to your explanation.

By the way, who checked the overtime that they turned in when they worked overtime?

A. I did myself.

Q. You were always there and did it, and Struempf never did it?           A. That's right.

Q. Struempf didn't have the authority to hire or discharge anyone in his own right, did he?

A. No, he did not. [1524]

Q. But he was empowered or did recommend to you, as his superior, either the hiring or discharging of a mechanic, and his recommendation would be given more weight than the recommendation of other members of the crew; is that not true?

A. That is true, yes.

(Testimony of Leonard James Duckworth.)

Q. Now, you were Struempf's immediate superior, he reported to you?      A. Yes.

Q. And I think you said before you wanted to make some explanation with regard to these things that I was asking you. Do you want to do that now?

A. Yes, I would like to.

Q. Surely.

A. Whenever any overtime was necessary, any overtime work had to be done, I personally told Struempf what I wanted done, and then I gave him the authority to take some mechanics' helpers to accomplish the task, but he didn't have the authority to act on his own at any time.

Q. He would report the matter to you and then you would give him instructions to proceed, and he would carry on from there; is that right?

A. Yes. [1525]

\* \* \* \* \*

Q. Mr. Duckworth, why was Mrs. Orice Storey discharged last year?

A. On two or three occasions, she was asked by Mr. Martini not to congregate people in the plant, and she did that repeatedly, and finally on one day she punched out early and did congregate a group of the women in the plant, which we think was really a safety hazard. Our plant was rather congested at that time. There were fork lifts going in and out. And Mr. Martini asked me to find out what was going on, which I did. And I asked her to leave the plant in a nice manner, and she refused to

(Testimony of Leonard James Duckworth.)

leave. So then Mr. Martini told me to discharge her, which I did. [1527]

\* \* \* \* \*

Q. And what did this hazard consist of? [1528]

A. Well, at that time our plant was rather congested. We didn't have too much operating space, and fork lifts coming in and out constantly, bringing in lids. There were men working on equipment constantly. And we had asked the women, we had made it a policy not to have them gather together in groups around the area that would be congested. And she had been asked not to do that repeatedly by Mr. Martini and by myself. And when she finally did it for the last time, Mr. Martini said that I should let her go, and that was it.

Q. What area was congested, you say around—

A. It is the cannery, the cannery floor itself.

Q. You mean any place on the cannery floor was congested? A. Yes.

Q. And Mrs. Storey had been warned about this before? A. Yes, she had.

Q. Had this happened before?

A. Yes, it had.

Q. When before had it happened?

A. I don't know the exact date, but I imagine it was three or four days before that time. The same thing had occurred, at which time Mr. Martini warned her not to do it.

Q. What had occurred then?

A. Well, just after our lunch recess, when we went back to work, she refused to go back to work.

(Testimony of Leonard James Duckworth.)

In fact, she gathered a group, I would say 15 or 20 people, around her, and demanded [1529] to talk to Mr. Martini; and Mr. Martini talked to her at that time, and then she finally went back to work. And shortly after that he called her into my office, and he and I both spoke to her at that time, in the presence of, I believe the woman's name was Layman, and asked her not to congregate people in the plant during working hours.

Q. That is what Mr. Martini told her?

A. Yes, that is correct.

Q. Were you present at the time?

A. I was present.

Q. Where did that happen?

A. In my office in the cannery.

Q. And you say she congregated 15 or 20 women about her?      A. Yes, she did.

Q. Was this during working hours?

A. Yes, it was.

Q. It was not during the lunch hour?

A. It was after the lunch hour.

Q. Were the employees already at work at the time?

A. I imagine about half of them were on the machines. The machines were running. The whistle had blown. The plant was supposedly in operation.

Q. How long were these people away from work?

A. I would say 15 or 20 minutes. [1530]

\* \* \* \* \*

Q. Who made the decision to discharge Mrs.

(Testimony of Leonard James Duckworth.)

Storey, Mr. Duckworth?           A. Mr. Martini.

Q. And who carried out the discharge? [1531]

A. I did.

Q. When did you carry it into effect?

A. Well, one day, the day she punched out early and was again congregating women on the cannery floor, I went down and I asked the floorlady what had happened. She said that Mrs. Storey had punched out. So I went and told Mr. Martini, who was at that time in my office, that she had punched out, but that she was still congregating women against his instructions. He asked me then to go down and ask her to leave, ask Mrs. Storey to leave, which I did. And Mrs. Storey refused to leave. I went back to my office and told Mr. Martini what had happened, and he told me to fire her, which I did.

Q. And how did you accomplish that?

A. I just told her that Mr. Martini had told me to discharge her, and please leave the premises.

\* \* \* \* \*

Q. Did you call out to anyone to watch out when the fork lift was going their way?

A. All the women in the plant had been warned and asked not to congregate in the congested center of the floor, and under ordinary circumstances they did not do it, just for that reason. [1541]

\* \* \* \* \*

Q. Did Mrs. Storey check out on the day of her discharge before the end of the workshift she was on?           A. Yes, she did.

(Testimony of Leonard James Duckworth.)

Q. Now, was that with or without permission?

A. I had two conflicting stories on that. Edna Hardin told me that she had had permission, that she had punched out because she said she was ill, and Mrs. Herrerias said she had punched out without permission. Those are the two stories I had. Which one is true I don't know. [1545]

\* \* \* \* \*

Q. (By Mr. Karasick): Now, directing your attention to the lay-off at the plant of the one shift, which occurred on October 15, 1954, Mr. Duckworth, you and Charlie Williams, the night shift foreman, and floorlady Herrerias, made up the list of employees who were to be retained; is that right?

A. That is right.

Q. And the day before the lay-off occurred there was a meeting in the storeroom at the cannery, at which you people were [1550] present among others; is that not correct?

A. A meeting in the storeroom of the cannery?

Q. Or in the office.

A. No, there was no other meeting. We frequently got together. I mean the supervisors themselves got together and discussed certain personnel, which I imagine is pretty normal procedure. But there was no definite meeting.

Q. You never discussed this matter, then, with Mrs. Herrerias and Mr. Williams?

A. Not prior to the time we——

Mr. Berke: Wait just a minute. "This matter"——

(Testimony of Leonard James Duckworth.)

Trial Examiner: Do you have an objection?

Mr. Berke: I don't understand the question. May I have the question read?

(Pending question read.)

Trial Examiner: Was the question finished?

Mr. Karasick: Yes, sir. It referred to the previous matter, the matter of the lay-off.

The Witness: May I have that question again then?

Mr. Karasick: Surely.

Q. (By Mr. Karasick): You and Mrs. Hererias and Charlie Williams together made a list of the employees to be retained; is that correct?

A. That is correct.

Q. How many times did you confer about this list before it [1551] was finally compiled?

A. Just on one afternoon.

Q. And where did you confer about it?

A. In my office.

Q. And your office is where?

A. In the cannery.

Q. Where in the cannery?

A. On the mezzanine of the cannery.

Q. Next to the laboratory?

A. Next to the laboratory, yes.

Q. And who else was present besides you three?

A. For the meeting itself, for the actual discussion?

Q. Who else was present at the time this thing was discussed?

A. Your question isn't clear. You mean just

(Testimony of Leonard James Duckworth.)

present in the office or those who took part in the discussion?

Q. Those who were present in the office.

A. Only we three, except on occasion when Bill McGuire dropped in and out and Danny Schuster dropped in and out, because at that time this office was used also as a warehouse office and they had records up there, too. And also during that meeting John Aguire brought me a list of the men he wished to retain in the warehouse.

The only discussion was that he handed me the list and said "These are the men I want to drop." That was all there was to it. He had nothing to do with the persons I selected, [1552] or Mrs. Herrierias or Charlie Williams. In fact, no one did, only we three.

Q. But he gave you the list of men he wanted to keep?

A. In the warehouse, yes, so I could take it down to the office.

Q. And who else was present at that meeting?

A. Oh, I imagine Mrs. Doty dropped in and out, because the office and the laboratory are adjoining and the door was open, but she did not participate.

Q. You imagine she dropped in and out, did you say?

A. I know she must have come in and out. She was asking me on the quality of the product continually.



(Testimony of Leonard James Duckworth.)

Q. Do you have any present recollection of her being there?

A. She was in the office on occasion.

Q. Did anyone ask you any questions about this list or any of the employees?           A. No.

Q. Was Mrs. McGuire there, Mary McGuire?

A. I don't know whether she was or not. Frankly, I don't know. She was not present at the meeting, I know that. She might have been in the laboratory. I would have to check the records to say. I don't know.

Q. Now, consideration was given to length of service among other things, in choosing this list, was it not?

A. Consideration was given primarily on merit.

Q. My question, Mr. Duckworth, to you was whether or not it was true that consideration was given, among other things, to length of service.

A. Yes.

Q. Now, Mrs. Herrerias wrote down the names of the people as they were chosen for retention; is that right?           A. Yes, she did.

Q. And then you finished up with the list by the time you got through?           A. Yes.

Q. How long did the meeting last?

A. About an hour.

Q. And after it was over, what did Mrs. Herrerias do with this list?

A. She took the list down and gave it to Bill McGuire.

Q. Who did?           A. Mrs. Herrerias.

(Testimony of Leonard James Duckworth.)

Q. And what did he do with it?

A. I don't know. It was out of my hands then.

Q. This list was the list of names, I think you said, of people who were to remain at work?

A. Yes.

Q. The following day there was a meeting in the warehouse at which the employees were informed of the reduction of one shift; is that right? [1554]

A. The following day or the day after, I don't know. It was on a Friday.

Q. What is your recollection now?

A. I believe that we made that list out on a Wednesday and the meeting we had in the warehouse was on Friday.

Q. Are you certain of that?

A. I am not absolutely certain of the day we made the list. I am certain of the time we had the meeting.

Q. Now, you are certain of the time of the meeting in the warehouse?           A. Yes.

Q. That was a Friday, was it?           A. Yes.

Q. At that meeting Mr. McGuire read the list of names of employees who were to remain at work; is that right?           A. Yes.

Q. And that was the list that had been made up following consultation between you and Mr. Aguire and Mrs. Herrerias in the fashion that you had——           A. Not Mr. Aguire

Q. Between you and Charlie Williams, excuse me. Is that right?           A. Yes.

(Testimony of Leonard James Duckworth.)

Q. Now, Mr. Duckworth, what was the reason for the discharge of Elsie Dickerson? [1555]

A. Elsie Dickerson actually sabotaged our product. For that reason she was discharged. [1556]

\* \* \* \* \*

Q. Now, what was it that she had done?

A. In our normal procedure, an apple is placed in the machine, in which the peeling is removed and the core is removed, and subsequent to that the apples are hand trimmed in case any bruised tissue remains or pieces of the core, or other matter which you don't want to go into the product. And Mrs. Dickerson picked up the apples—and there were several of them—and took her trimming knife and cut a hole in the side of the apple and inserted a core into that hole.

Q. Now, as I recall, you say she did that to several apples? A. Yes, she did.

Q. In other words, she did what you call plugged an apple by putting a core in it; is that right? A. That is right.

Q. That would be an apt description?

A. That would be, yes.

Q. Now, the decision to discharge Mrs. Dickerson was made by whom? A. By me.

Q. By you? A. Yes.

Q. And when did you make the decision?

A. After she had been warned not to plug those apples. And [1557] when it happened again, I discharged her.

Q. How many apples did she plug all together?

(Testimony of Leonard James Duckworth.)

A. I saw about a dozen. How many more had been plugged and had gone by the inspectors, I don't know. [1558]

\* \* \* \* \*

Mr. Karasick: Mr. Examiner, I have asked the reporter to mark as General Counsel's Exhibit 40 A through G, inclusive, a letter on the letterhead of the California Association of Employers, dated October 29, 1954, addressed to Mr. L. D. [1592] Mathews, Jr., and signed by C. B. Rose, Executive Secretary, together with attachments running from General Counsel's Exhibits Nos. 40C through 40G, inclusive.

I have also asked the reporter to mark as General Counsel's Exhibit 41A through 41H, inclusive, for identification, a series of documents consisting of General Counsel's 41A for identification, being a letter from C. B. Rose, Executive Secretary of California Association of Employers, dated November 16, 1954, to Mr. L. D. Mathews, Jr.; as General Counsel's 41B for identification, a letter bearing the same date, signed by the same individual, addressed to the same person; as General Counsel's Exhibit 41C for identification, a letter over the signature of Elmo Martini, on the letterhead of Sebastopol Apple Growers Union, dated November 15, 1954, addressed to Mr. C. B. Rose, Executive Secretary of California Association of Employers, together with attachments marked General Counsel's Exhibits 41E through 41H, inclusive.

Trial Examiner: Excuse me. I missed one there,

I think. C was the letter from Elmo Martini, was it?

Mr. Karasick: Yes, it was C and D, I am sorry, and beginning with attachments at E, running through H.

I have also asked the reporter to mark as General Counsel's Exhibit 42A through 42F documents consisting of the following: a letter over the signature of W. H. McGuire, written on the letterhead of Sebastopol Apple Growers Union, dated February 17, [1593] 1955, addressed to Mr. W. M. Caldwell, President, California Association of Employers, which is General Counsel's 42A for identification, together with attachments beginning at General Counsel's 42B and running through 42F, inclusive.

I have also asked the reporter to mark as General Counsel's Exhibit 43A through E, inclusive, a list containing the names of individuals in the first column, the second column entitled "Date Hired," the third column entitled "Job," the fourth column entitled "Last Shift," the fifth column entitled "Date of Termination," the sixth column entitled "Reason," and the last column entitled "Employed 10-18-54 question mark." All of the ink notations on this document, with the exception of the word "date" over the word "hired" in the second column and "date of" over the word "termination" in the fifth column, being notations in the handwriting, script or print of William McGuire, the sales manager of the Respondent.

I herewith offer these documents in evidence, and with express attention directed, Mr. Examiner, to General Counsel's Exhibits 40C, 40D, 40E and 40F,

there are on 40C and 40D certain pencil marks to the left of the document in the margin, and on 40E and 40F certain notations in ink and in red pencil which appear on the document. I am offering none of those notations, but only the typewritten matter which appears on each of those documents. [1594]

I herewith offer these documents in evidence.

Trial Examiner: Any objection?

Mr. Berke: I think so the record is clear with respect to 41, the letter from Martini of November 15, 1954, which was stated to be over his signature, the record ought to show it is over his name, not his signature.

Mr. Karasick: That is agreeable. There is no question, though, that the letter is what it purports to be, namely, a communication from the Respondent with the signature of Mr. Martini being written in by someone presumptively authorized to sign for him; isn't that correct, Mr. Berke?

Mr. Berke: I don't know. I will stipulate that it is over his name, not his signature.

Trial Examiner: Do you know whose initials those are?

Mr. Berke: No, I don't. Mr. Martini looked at them and tried to figure out the initials and couldn't.

Trial Examiner: It seems to have been dictated by "Me".

Mr. Karasick: Is there any question about this, that this document was one which was sent by the Respondent and with Mr. Martini's authorization?

Mr. Berke: I will stipulate that it was sent to the person whose name appears on it, Mr. C. B.

Rose, Executive Secretary, California Association of Employers, and it is obviously Respondent's letter.

May we go off the record just a moment? [1595]

Trial Examiner: Off the record.

(Off the record.)

Trial Examiner: On the record.

Mr. Karasick: It is my understanding, Mr. Examiner, that after conferring with Counsel for the Respondent that it may be agreed that the signature or the name of Elmo Martini appearing on General Counsel's Exhibit 41D was signed for Mr. Martini with his authorization.

Mr. Berke: Yes. I object to them on the ground that no proper foundation has been laid for the receipt. There is no evidence here to show their accuracy. They are not established to be competent, and they are irrelevant and immaterial. There are records which show the actual facts here. General Counsel's representative has them. And we have agreed that we would bring Mr. Wilson in to testify to the facts, if that is still desired. All it does is just to add and make this record, already prolix, unduly more so, and does not add anything, just creates a lot of additional confusion.

Mr. Karasick: May I state our position in that regard?

Trial Examiner: Just enlighten me on this 43, if you will. Was that stipulated to have been prepared by the Respondent?

Mr. Karasick: That is the one I made the statement with respect to the notations by Mr. McGuire.

I may say that the typewritten names and the numbers which appear on that list were prepared by the Board office from information previously [1596] submitted by the Respondent. They were then given to the Respondent and asked to check for the information that appears on the list. That was done by Mr. McGuire in his own writing on or about March 17, 1955.

Did you want to say something in regard to that before—

Mr. Berke: May I ask a question?

Mr. Karasick: Yes.

Mr. Berke: Do you claim that all of the writing in these columns here are in McGuire's handwriting?

Mr. Karasick: Yes, with the exception that I made, with the two explanations that I made as to "date" and "date of" which appear at the heading of two of the columns.

It is my understanding that Counsel for the Respondent has agreed that the signatures of C. B. Rose wherever they appear, and also the signature in one of these documents of W. H. McGuire, are authentic. Is that not correct, Counsel?

Mr. Berke: Yes.

Mr. Karasick: Now, with respect to General Counsel's 43A through E, inclusive, I offer this document, subject to the right of Respondent's Counsel to check the accuracy of my statement that the handwritten portions, with the exception of the things noted, have been put in there by Mr. McGuire.



Trial Examiner: Let's see if I understand that. Do you mean that—

Mr. Karasick: That this is his handwriting.

Trial Examiner: Mr. Berke is agreeing that they appear to be in Mr. McGuire's handwriting?

Mr. Berke: No, I don't agree to that. I have inquired of two gentlemen who I thought might know. They tell me they are not familiar with his handwriting. So I don't know if it is in his handwriting or not. I wouldn't stipulate that they even appear to be. I am willing to check, if Mr. Karasick wants to withhold offering it. I will check and let him know in the morning.

Mr. Karasick: It is agreed, is it not, that this document was furnished by the Respondent? There is no doubt in either Mr. Caldwell's or Mr. Martini's mind about that, is there?

Mr. Berke: Mr. Caldwell asked me a question, didn't you prepare it right there?

Mr. Karasick: If you want to go through all this on the record, fine.

Mr. Berke: Why don't you hold it up until morning? I can check and ask if it is in McGuire's handwriting, and if it is, I will agree that it is in his handwriting. Of course, that does not, as I understand it, waive my basic objection to this, which I have made to the other documents.

Trial Examiner: I take it that these are lists of employees which would tend to show who was in the employment of the Respondent on October 14?

Mr. Karasick: That is right.

Mr. Berke: I don't agree to that.

Mr. Karasick: These lists were furnished to us at various times at our request, Mr. Examiner, and collectively form the basis for the conclusion by the General Counsel that the persons whose names have been checked on General Counsel's Exhibits 37 and 38 were persons who were employed on the payroll as of October 14, 1954. Now, if the Respondent now contends, as it apparently does, that this information or some of it is erroneous in any respect, it is perfectly free to produce such evidence as it can to show that. [1599]

\* \* \* \* \*

LEONARD JAMES DUCKWORTH

resumed the stand and testified further as follows:

Cross Examination [1602]

\* \* \* \* \*

Q. (By Mr. Berke): Now, you made some reference as to the basis on which people were selected for retention for the single shift. What [1603] was that basis?

A. I would say primarily on merit.

Q. Was any consideration given to length of service?      A. Yes, it was.

\* \* \* \* \*

Q. Now, with reference to Mrs. Dickerson, there was a reference here to her discharge because she plugged an apple, which could have affected or destroyed the quality of the product, as you put it. Was that the sole reason for her discharge?

A. That was the sole reason for her discharge, yes.

Mr. Karasick: May I have the question, please?

(Testimony of Leonard James Duckworth.)

(Last question read.)

Q. (By Mr. Berke): And now, was it just because she did this to one apple?

A. No, because she did it to several apples.

Q. Was she discharged for Union activity?

A. No. [1604]

Q. Were you asked to find an excuse to discharge her? A. No, I was not.

Q. Who is your immediate superior, or was last year? A. Mr. Martini.

Q. Did Mr. Martini ask you to find an excuse to discharge her? A. No.

Mr. Berke: I have no further questions.

#### Redirect Examination

Q. (By Mr. Karasick): When you spoke to me in Mr. Caldwell's presence at my office, Mr. Duckworth, I asked you a number of questions about this case, did I not? A. Yes, you did.

Q. And I took notes on that, did I not?

A. Yes.

Q. And then I told you that I would reduce those notes to the form of an affidavit and send it to you to look over and be sure it was correct and accurate, and that you should feel free to make any changes you saw fit; is that right? A. Yes.

Q. And subsequently you received a typewritten copy of an affidavit in the mail from me, did you not? A. Yes.

Q. Then pursuant to our conversation you felt free to make what changes were necessary in that

(Testimony of Leonard James Duckworth.)

affidavit to make it as [1605] accurate as you could; is that right? A. Yes.

Q. And the affidavit which you subsequently submitted on March 18, I believe it was, was the result of that effort; is that right? A. Yes.

Q. And this was done, to the best of your ability, to give us the facts as you knew them; is that right? A. Yes.

Q. There was nothing in the affidavit I submitted to you, or that you subsequently submitted, that you had not told me, was there? A. No.

\* \* \* \* \* [1606]

Q. (By Trial Examiner): Referring to the day of Mrs. Storey's discharge, as I [1612] understood it, you did not see her punch out and you didn't know that she had punched out?

A. I didn't see her punch out, no, but I knew she was not working, because I saw her standing down at the bottom of the stairway.

Q. Was that by the time clock?

A. Close to the time clock, yes.

Q. Was she the only one you saw there?

A. No, she had a small group around her.

Q. Do you know who those women were who were around her? A. No.

Mr. Berke: Do you mean by name?

Trial Examiner: Either by name or by shift.

The Witness: No, I don't.

Q. (By Trial Examiner): And was she still in the same place when you first spoke to her?

A. Yes, she was.

(Testimony of Leonard James Duckworth.)

Q. Do you remember exactly what you said to her?

A. First of all, I went and saw the floorlady and asked what Mrs. Storey was doing there. She said she had punched out. Then I went to see Mr. Martini, who was up in the office at the time, and he told me to have her leave the premises. So I went downstairs and asked her to leave. And she refused. So I went back upstairs again and told Mr. Martini, and he told me to discharge her, so I did. [1613]

Q. You didn't inquire of the floorlady, then, as to whether or not any of the other women standing there had punched out? A. No, I didn't.

Q. Was there any reason why you limited your question to Mrs. Storey?

A. Because the ones coming in were not the ones on the shift. They worked on the night shift, the ones we were talking about.

Q. I just asked you if you knew they were on the night or the day shift?

A. Not by name, no. They were night shift people.

Q. And was the floorlady that you spoke to Mrs. Hardin?

A. Yes, she was. In fact, I spoke to both of them, Mrs. Hardin and Mrs. Herrerias.

Q. Which one did you speak to first?

A. Mrs. Hardin first.

Q. Where was Mrs. Herrerias when you spoke to her?

(Testimony of Leonard James Duckworth.)

A. I don't remember exactly. Somewhere in the cannery.

Q. You have no more specific recollection of it than that?

A. No. Down by the time clocks, I imagine. That is the logical place it would be.

Q. Right near where Mrs. Storey was?

A. Yes, near there.

Q. Do you know whether or not that was the same time clock that Mrs. Storey used? [1614]

A. I don't know.

Q. Was there any reason why you didn't look at Mrs. Storey's time card instead of asking the floorlady?

A. Usually we leave most of the women's supervision up to the floorlady. We don't interfere too much.

Q. You mean you never look at the time cards?

A. No.

Q. Now, reference was made here to some statement you made about Mrs. Storey's having annoyed certain employees. Were these employees that were standing around the time clock the ones you had reference to?      A. Yes.

Q. How do you know that she annoyed them?

A. Because one in particular came upstairs—came upstairs to tell me about it.

Q. Who was that?      A. Mrs. Chicano.

Q. Was she on the night shift?

A. Yes, she was.

Q. Were there any more that you knew by name?

(Testimony of Leonard James Duckworth.)

A. No.

Q. Do you remember what Mrs. Chicano said?

A. She said just that Mrs. Storey was bothering her all the time about joining the Union, and she didn't want to join, didn't want any part of it.

Q. Was that when you went down and spoke to Mrs. Storey the first time?

A. That was before I spoke to Mrs. Storey.

Q. You mean as a result of that conversation with Mrs. Chicano, did you then go down and speak to Mrs. Storey?

A. No, I didn't speak to Mrs. Storey until I talked to Mr. Martini.

Q. Well, you were upstairs when Mrs. Chicano spoke to you?      A. Yes, I was.

Q. Did you speak to Mr. Martini before you went downstairs, or did you go downstairs first?

A. I spoke to Mr. Martini before I went downstairs.

Q. Then as I understand it, you went down and told Mrs. Storey to leave, and she——

A. She refused to leave.

Q. Just what were her words?

A. She just said, "I'm not bothering anybody."

Q. Is that all?      A. Yes.

Q. What did you do then?

A. I went back to Mr. Martini.

Q. What did you tell him then?

A. I told him then that I had asked her to leave, and she said she wasn't bothering anybody. He said, "Well, go down and discharge her, then."

(Testimony of Leonard James Duckworth.)

Q. So then you went down there again?

A. Yes.

Q. Where was she at the time you got down to her that time?      A. Right by the time clock.

Q. In the same place?

A. The same place, yes.

Trial Examiner: Are there any other questions?

Mr. Karasick: Yes.

Q. (By Mr. Karasick): When you spoke to Mr. Martini the first time, before you went down to see Mrs. Storey at all, do you recall what your conversation was?

A. No, I couldn't exactly tell you the conversation. I just told him that Mrs. Storey was down there bothering people. First he wanted to know what she was doing there.

Q. Did you tell him your conversation with Mrs. Chicano?      A. Yes, I did.

Q. And then he told you to go down and tell Mrs. Storey to leave?      A. To leave, yes.

Q. That is what you told Mrs. Storey?

A. Yes, I did.

Q. And she said she wasn't bothering anyone?

A. That is right.

Q. And you went up and told Mr. Martini what she said.      A. Yes. [1617]

Q. Then what did he say?

A. Then he told me to discharge her.

Q. Now, when you went down the second time to talk to Mrs. Storey, what was your conversation with her on that occasion?



(Testimony of Leonard James Duckworth.)

A. On the second time, that is, when I asked her to leave. I went down the first time to see what she was doing. The second time I went down, I asked her to leave, and she told me she wasn't bothering anybody. The third time I went down, I asked her to—I discharged her.

Q. What did you tell her on the third occasion?

A. I just told her that Mr. Martini had said to discharge her.

Q. Did you tell her why?

A. No, I didn't.

Q. Did she ask?                   A. No, she just left.

\* \* \* \* \* [1618]

Trial Examiner: Is Mrs. Doty a year-round, too?

The Witness: No, she isn't. [1623]

\* \* \* \* \*

Trial Examiner: I still want to get this Mrs. Storey incident straightened out.

Q. (By Trial Examiner): When I was questioning you, I got the understanding that you went downstairs only twice, and then it turns out that you were downstairs three times. Now, suppose we take it step by step here and let me get this straight. Before Mrs. Chicano came and spoke with you, did you know that Mrs. Storey was downstairs?

A. Yes, I did.

Q. How did you know that?                   A. I saw her.

Q. Could you see her without leaving the office?

A. Yes.

Q. You were in the office when you saw her?

(Testimony of Leonard James Duckworth.)

A. Yes, but I was up in the balcony. I often just walked around the balcony there to observe the operation of the cannery. In fact, that is where I saw her.

Q. As I understood it, you told Mr. Karasick that you went downstairs to see what Mrs. Storey was doing.

A. Yes, that is right, I did.

Q. Was it necessary to go downstairs?

A. I wanted to find out why she wasn't working.

Q. Was that before Mrs. Chicano spoke to you?

A. I don't know whether it was before or after. I really [1626] don't.

Q. Well, the first time you went down, then, what did you do?

A. I went down to see Mrs. Hardin, and see why Mrs. Storey wasn't working.

Q. Then what did you do?

A. Then I went back upstairs, and Mr. Martini was in the cannery office at that time, and I told him that she was down there and knocked off. And that is when he asked me to ask her to leave. And I went down the second time and asked her to leave, and she said she wasn't bothering anybody. And she refused.

Then I went back upstairs and told Mr. Martini, and he told me to discharge her. So I went downstairs the third time and discharged her.

Q. On which occasion, if any of those, did you talk with Mrs. Herrerias?

A. I didn't talk to Mrs. Herrerias any time during those occasions.

(Testimony of Leonard James Duckworth.)

Q. Was it after the discharge that you talked to her?  
A. Yes, it was.

Q. How long after?

A. Well, I imagine five or ten minutes.

Q. Do you remember just how you asked her?

A. I asked her, I don't know the exact words, but I just asked [1627] her if she had punched out with or without permission, and she told me she thought that she had punched out without permission. Right after that time, they were changing shifts, and that is why Mrs. Herrerias was there, part of the day shift.

Q. The day shift was still on duty when you asked Mrs. Herrerias that question?  
A. Yes.

Q. When Mrs. Herrerias works on the day shift, does she work as a floorlady?  
A. Yes.

Q. Does she work over Mrs. Hardin? That is to say, did she work over Mrs. Hardin, or was Mrs. Hardin floorlady over the girls, just the same?

A. Mrs. Hardin was quite ill at that time, so to relieve her of doing so much walking on the floor, we put her in the office upstairs and let her work up there, when Mrs. Herrerias came on the day shift. In other words, she was no longer floorlady. Mrs. Herrerias——

Q. This Storey incident occurred before the lay-off, didn't it?  
A. Yes.

Q. So at that time Mrs. Herrerias was not floorlady of the day shift?

A. Not of the day shift, no. [1628]

(Testimony of Leonard James Duckworth.)

Q. Well, is your testimony the same, then, that Mrs. Hardin was not——

A. At that time, Mrs. Hardin was the floorlady on the day shift.

Q. Now, do you mean to say that as soon as Mrs. Herrerias came in at 11:30 or a quarter of 12:00, that she went in and relieved Mrs. Hardin?

A. No, she didn't.

Q. That is what I am trying to find out. What position did Mrs. Herrerias hold, if she worked on the day shift, while Mrs. Hardin was still there?

A. She didn't work on the day shift while Mrs. Hardin was still there.

Q. She didn't work at all, then, until after the night shift started?

A. That is right, yes.

Q. Then if you asked Mrs. Herrerias about Mrs. Storey ten minutes after you had discharged Mrs. Storey, that would mean that Mrs. Herrerias was not working?

A. She wasn't working at the time, no. The night shift hadn't started yet.

Q. And Mrs. Herrerias, then, would not be likely, would she, to know anything about whether Mrs. Storey had punched out or not ?

Mr. Berke: I object to that as speculative, Mr. Trial [1629] Examiner. After all, he is telling us what he asked her and what she told him.

Trial Examiner: I will withdraw the question.

Q. (By Trial Examiner): Was there some rea-

(Testimony of Leonard James Duckworth.)

son why you preferred to ask Mrs. Herrerias, then, rather than Mrs. Hardin?

A. Yes, there was, because Mrs. Herrerias had been with us longer, and in fact Mrs. Hardin's first year. Mrs. Herrerias had been with us about three years, and frankly she was a bit more efficient.

Q. And what was the reason why you thought Mrs. Herrerias would be in a position to know about whether a worker on the day shift had punched out at 11:30?

A. Because she and Mrs. Hardin very frequently would discuss things, talk them over amongst themselves. [1630]

\* \* \* \* \*

Mr. Karasick: Mr. Examiner, you recall that yesterday there was some discussion as to General Counsel's Exhibit 43-A through E, inclusive, concerning whether or not notations which appear in ink on that document were in the hand of William H. McGuire, sales manager of the Respondent. With the exceptions of the word "date" before the word "hired" in column two, and the words "date of" before the word "termination" at the head of column five, Counsel for the Respondent has checked the document and agrees with me that the notations made thereon were made by William H. McGuire in the preparation [1638] of this document.

Is that a correct statement?

Mr. Berke: Yes. However, of course, I do not stipulate that it is accurate. In fact, we will show

that it is inaccurate, and I objected to its receipt on that ground.

Mr. Karasick: I am offering it in evidence.

Mr. Berke: I object to its receipt on the grounds that it is incompetent, irrelevant and immaterial, no proper foundation has been laid for it. Moreover, it is inaccurate, doesn't reflect the true facts which are reflected by the payroll records heretofore offered by Counsel for the General Counsel, which he has had in his possession, which shows the true situation.

Trial Examiner: You stated yesterday, Mr. Karasick, that you received this document from the Respondent?

Mr. Karasick: Yes, that is correct. Just one matter in regard to the statement that the payroll records are in my possession. They have been in Mr. Berke's possession. I have had access to them here in the hearing room only, which was the understanding. I want the record clear on that.

Trial Examiner: I will now receive General Counsel's Exhibit 43, including sub pars A to E.

(Thereupon the documents above referred to, heretofore marked General Counsel's Exhibit No. 43-A through 43E, inclusive, were received in evidence.) [1639]

\* \* \* \* \*

ANGELO H. BERTOLUCCI

was called as a witness by and on behalf of the General Counsel, and being first duly sworn, was examined and testified as follows:

\* \* \* \* \*

Direct Examination

Q. (By Mr. Karasick): Mr. Bertolucci, are you associated with the Teamsters Local 980, the Charging Party in this case? A. I am.

Q. What is your position?

A. I am the president and business representative of the Local 980.

Q. And how long have you held that position?

A. Going on seven years.

Q. Continuously for the past seven years?

A. Yes; not quite seven, but it is going on seven.

Q. For the past six full years? [1692]

A. That is right.

Q. I direct your attention to the organizing campaign of the union, the Sebastopol Apple Growers Union, that occurred last year.

Q. Do you recall a meeting with Mr. Elmo Martini, representing the respondent, Mr. Roy Rhodes, and yourself, representing the Union, shortly before the organizing, or about the time the organizing efforts occurred out there? A. I do.

Q. When was that meeting?

A. Around the 28th or 29th of July.

Q. Where did it occur?

A. In the SAGU office, main office.

Q. Who were the persons present?

A. Mr. Rhodes, Mr. Martini and myself.

(Testimony of Angelo H. Bertolucci.)

Q. And will you tell us as well as you can recall what was said and who said it at that meeting?

A. Well, we went into the office and the girl——

Q. By “we” you mean?

A. Rhodes and myself. The girl said, “Well, Martini is busy, will you wait a few minutes?” We said, “Yes.” So we waited there for a while. After that Martini came over and in plain English said, “What the hell are you guys doing here? You better get out and come back in a couple years.”

Q. And had either you or Mr. Rhodes said anything? [1693]

A. Not then, but afterwards there was discussion between him and Rhodes.

Q. Will you tell us as well as you recall what was said and who said it?

A. Well, Rhodes, in the conversation with Martini, told him that he was there—he knew what he was there for and he would like to have a chance to talk to the people, would he mind if he talked to the people, and Elmo said, “No, but not on company time.”

Q. Anything else said?

A. Then we left, went up to the corner grocery.

Q. What else was said?

A. Then Rhodes asked Martini if he wouldn't do one thing for him. He said, “Being that you are having a board meeting tonight, I would like for you to bring it before your board and see what they think about it.” So Elmo said, promised he would



(Testimony of Angelo H. Bertolucci.)

bring it up before the board, and then would let Rhodes know by phone the next morning.

Q. As far as you know, did he call Rhodes the next morning?           A. No, he did not. [1694]

\* \* \* \* \*

Cross Examination \* \* \* \* \*

Q. (By Mr. Berke): Was that your understanding that you could not lay anyone off before a Labor Board election no matter what the reason may have been for the layoff?

Mr. Karasiek: Object to that as immaterial and irrelevant.

Trial Examiner: That has already been answered.

Mr. Berke: No; I don't think so.

Trial Examiner: You may answer then.

The Witness: Yes. [1704]

\* \* \* \* \*

Q. (By Mr. Berke): How many years have you known Mr. Martini?

A. Quite a number of years.

Q. You were friendly with him, were you not?

A. Yes.

Q. And you talked to him on many occasions before July 28th or 29th, had you not?

A. That is right.

Q. And on this particular occasion, when you said something about, "What the hell you guys doing here," was he angry?

Mr. Karasiek: Object.

Trial Examiner: Overruled.

(Testimony of Angelo H. Bertolucci.)

The Witness: Well, I don't know whether he was angry or not. He answered that in that tone of voice, "What the hell are you guys doing here." He knew right away what we were there for.

Mr. Berke: I move that last portion be stricken, "he knew right away."

Trial Examiner: Strike it.

Q. (By Mr. Berke): You had talked with Elmo Martini many times before, as I understand it, had you not? A. Yes; lots of times before.

Q. Yes.

A. But not only on organization of the plant.

Q. On other matters?

A. Yes; friendly chats. [1705]

Q. And you heard Elmo Martini use a cuss word on those occasions too, had you not?

A. Well, I don't know. I don't remember that.

Q. He didn't order you out of his office, did he?

A. Well, we were there just a few seconds after he had said that. We went outside.

Q. With him?

A. Yes; and we went up to the grocery store.

Q. When you say, "We went up to the grocery store," was he with you and Mr. Rhodes?

A. Mr. Rhodes, myself and Martini.

Q. And you drove over in somebody's car, did you? A. Yes.

Q. Whose car? A. His station wagon.

Q. Whose station wagon?

A. Martini's station wagon.

(Testimony of Angelo H. Bertolucci.)

Q. And you had a friendly conversation in the station wagon, did you not, when you drove?

Mr. Karasiek: Object to the characterization of whether it was friendly or not friendly. It is a matter of interpretation and the ultimate conclusion for the trier or the finder of facts.

Trial Examiner: Well, on a matter of that kind, I will permit it. You may answer. [1706]

The Witness: There was no conversation between the office and the grocery store.

Q. (By Mr. Berke): Complete silence?

A. Well, we just got there in a jiffy and that was it.

Q. Was it complete silence during that jiffy?

A. I believe there was, yes; not any talk.

Q. And where did you go, in the grocery store?

A. A little store.

Q. At Molino Corners? A. That is right.

Q. And did Mr. Martini go in with you?

A. That is right.

Q. What took place in there?

A. We each got a soda and went outside.

Q. And when you left Mr. Martini, did you leave with angry words?

Mr. Karasiek: Object.

Trial Examiner: Overruled.

The Witness: Do you want me to answer?

Trial Examiner: Yes.

Mr. Berke: I asked you the question, yes.

The Witness: What is the question now?

(Question read.)

(Testimony of Angelo H. Bertolucci.)

The Witness: No, we did not.

Q. (By Mr. Berke): As far as you were concerned, everything [1707] was friendly.

Mr. Karasick: Object to this witness, as far as he was concerned, whether it was friendly or not.

Trial Examiner: Overruled.

Mr. Karasick: As being immaterial and irrelevant.

Trial Examiner: Overruled.

The Witness: The answer was that Mr. Rhodes asked him to bring the thing before the board that night. He was having a board meeting and he would let him know next morning by phone, and we left.

Q. (By Mr. Berke): As far as you were concerned, when you left it was all very friendly?

Mr. Karasick: Object.

Trial Examiner: Overruled.

The Witness: Do you want me to answer?

Trial Examiner: Can you answer it?

The Witness: I think it was. We didn't come to blows.

Q. (By Mr. Berke): When you went in with Mr. Rhodes to talk to Mr. Martini on that day, you went in there to ask him if Mr. Martini would mind if you talked to the people that worked there, was that it?

A. Yes; during the conversation of those few minutes Rhodes asked him if it would be all right to talk to the people.

Q. But you wanted to go among the people to organize them that were working at SAGU? [1708]

(Testimony of Angelo H. Bertolucci.)

A. Yes; but he said not on company time.

Q. Please answer my question. If you didn't hear it I will ask the reporter to repeat it. You wanted permission from Mr. Martini to go among the people working at SAGU to talk to them about organizing them; is that right?

A. Well, the only thing to that, Rhodes asked Martini if he had any objection to talking to the people.

Q. Will you please answer my question? Would you repeat it to him?

(Question read.)

Mr. Karasick: I object; I submit the question has been asked and answered.

Trial Examiner: I will ask the witness to answer that as directly as possible.

The Witness: Still I say that Rhodes asked Elmo if he had any objection to talking to the people, and he said, "Not on company time," and then we took off. [1709]

\* \* \* \* \*

Redirect Examination \* \* \* \* \*

Q. (By Mr. Karasick): Mr. Bertolucci, after you had talked to Martini that day, did you go out to the plant for the purpose of talking to employees and asking them to join the union? [1711]

Trial Examiner: Within a period of a month or so.

Q. (By Mr. Karasick): I will develop that

(Testimony of Angelo H. Bertolucci.)

when I get this general question answered.

A. Yes, I went out there. In fact, the first time I went out there, myself and two girls and another gentleman with me, we went out to the front door of the cannery and as we distributed the literature, why, after about ten minutes we were there, we were thrown out.

Q. Who threw you out?

A. He came over to me and said——

Trial Examiner: Just answer the question. Who was it?

The Witness: His name is Charles, Charlie. I don't know what his last name is—Williams.

Q. (By Mr. Karasick): And what did Charley Williams say to you on that occasion?

A. He came to me and said, "Listen, you know you are on company property and the company doesn't allow this. You better get back on the highway." So I thanked him and we all went back on the highway.

Q. Were there any other occasions after that that any representative of the company told you that or anything similar about organizing on company property?

A. We never did go on the company property from then on. [1712]

\* \* \* \* \*

WILLIAM GRAMI

was called as a witness by and on behalf of the General Counsel, and being first duly sworn, was examined and testified as follows:

Trial Examiner: Will you state your name, please?

The Witness: William Grami.

Trial Examiner: And your address?

The Witness: 2209 Sonoma Avenue, Santa Rosa, California.

Direct Examination

Q. (By Mr. Karasick): Mr. Grami, are you a representative of the union which is the Charging Party in this case?

A. Yes; I am. [1714]

Q. What is your position?

A. I am an organizer for the Western Conference of Teamsters.

Q. What is the connection of the Western Conference of Teamsters with Local 980?

A. The Western Conference of Teamsters is a federation of the various local unions in the 11 western states.

Q. And were you sent to help the local here in its organizing efforts?

A. That is right.

Q. When did you come here to Santa Rosa?

A. It was on or about the 15th of August of 1954.

Q. Were you here at the time that the union first distributed buttons to the employees at the plant?

A. Yes.

Q. I hand you General Counsel's Exhibit 31 and

(Testimony of William Grami.)

ask you to look at that carefully, and when you have had sufficient time, indicate so. A. Yes.

Q. Is that the button to which you refer?

A. Yes.

Q. By that button I mean is that the type of button which was distributed at the time?

A. Yes; that is it.

Q. When were these buttons handed out to the employees at SAGU, do you recall? [1715]

A. They were handed out on two occasions. The first was the 13th of October at a union meeting, 1954.

Q. And there were employees working on both the day and night shift at the plant at that time, were there not? A. That is right.

Q. Was the button handed out to one or both of the employees on the shift?

A. One shift on the 13th.

Q. Which shift was that?

A. The day shift.

Q. And why was that?

A. Well, the reason was that we had a meeting in the afternoon for the night shift and one in the evening for the day shift because of the fact that the representation at the night shift meeting wasn't as great as we had desired and we chose not to hand out the night shift buttons, but to hand them to the day shift first and follow the succeeding day with nights.

Mr. Berke: I move all that be stricken as irrele-



(Testimony of William Grami.)

vant and immaterial, not binding on the respondent, has no bearing on the issues here.

Trial Examiner: Motion denied.

Q. (By Mr. Karasick): Were buttons handed out to the night shift? A. Yes.

Q. When? [1716]

A. The 14th of October, as they came on shift.

\* \* \* \* \*

Q. Were there various employees at the SAGU who were made members of the union committee?

A. Yes.

Q. Was there one committee or more than one committee?

A. There were two committees, a day and a night.

Q. Did you have a list of the members of the committee at the SAGU plant during last year's season prepared? A. Yes.

Q. Both for the day and night shift? [1717]

A. That is right.

Q. I hand you a document which I ask the reporter to mark as General Counsel's Exhibit 44-A to 44-C inclusive, consisting of three typewritten pages, and ask if that is a list of the day committee members, to which you have referred?

A. Yes.

Q. I hand you a typewritten document consisting of two pages, which I ask the court reporter to mark as General Counsel's Exhibit 45-A and 45-B, and ask you if that is a list of the night committee members to which you have referred?

(Testimony of William Grami.)

A. Yes.

(Thereupon the documents above referred to were marked General Counsel's Exhibits 44-A to 44-C, and 45-A and 45-B, for identification.)

Mr. Karasick: I offer the documents in evidence as General Counsel's Exhibits 44-A to C, inclusive, and 45-A and B. [1718]

\* \* \* \* \*

Mr. Berke: As to 48 and 49, I object to them on the ground that they are irrelevant, immaterial. There is no showing here of the signatures on those cards and the signatures of the people whose names the people purport to be on those cards.

I object further on the ground no proper foundation has been laid for the receipt and their competency has not been established.

Trial Examiner: May I ask the purpose for introducing them?

Mr. Karasick: The union authorization cards?

Trial Examiner: Yes. [1748]

Mr. Karasick: To show those persons who are members of the union at the time the circumstances of this case occurred? I should think it would be self-evident according to the issues as framed in this complaint.

Trial Examiner: Assuming that to be true, can we take evidence of cards made out in block printing, for example, to be evidence of membership?

Mr. Karasick: I submit, Mr. Examiner, these are the original membership or authorization cards

(Testimony of William Grami.)

received by the union during the organizational campaign which went on during the 1954 season.

I have laid the foundation showing they were received in the normal course of business. They are part of the business records of the union; they are not perfect records any more than any business records may be. Such errors as may occur in them, such things which are short of perfection in them are things which you will have to weigh as a trier of facts. I can't change the facts. I can only produce them here.

These cards are the way they came to the union. I am offering them in good faith as full evidence of the union's records as to who was or who wasn't an adherent of the union at the time in question, and I am offering them as each one, as far as I know, being a card signed and turned in by a particular person as his individual name appears thereon, received in the normal course of the business of the union and [1749] part of the business records of the union.

Trial Examiner: Well, I will receive 48 and 49 in evidence without, of course, saying that they necessarily prove what you offer them for. [1750]

\* \* \* \* \*

Q. (By Mr. Karasick): Mr. Grami, I hand you the union authorization card containing the name of Lois A. Thornton, marked as General Counsel's Exhibit 48-(98), and I would like to ask you with respect to that card, again calling your attention to the fact the year appears as 1950, this question:

(Testimony of William Grami.)

To the best of your knowledge, was or was not that card which you now hold in your hand received during the 1954 season at SAGU, received by the union in the regular course of business during the 1954 season at SAGU?      A. Yes.

Q. Your answer is it was?      A. It was.

Q. Do you have any explanation for why the year 1950 appears in there rather than 1954?

A. No; obviously it's an error.

Q. You will notice that the printed material of the card which begins with the words, "Authorized general Truckdrivers and Helpers Union Local No.," and after that there is a block and the number apparently has been blocked out, or at least there is a block there and above it in type or some form of [1751] printing in different print than the rest of the printing I have just read, appears the figures "980."

Do you notice that?      A. Yes.

Q. Do you know how they got there?

A. I can only presume. Quite often we——

Mr. Berke: Just a moment. I am going to object to the assumption. If he doesn't know, he doesn't know.

Trial Examiner: I will sustain the objection.

Q. (By Mr. Karasiek): Do you have any idea at all that would explain the figures that I have just pointed out to you?      A. Yes.

Q. Would you explain it?

A. Quite often we either run out of place cards or borrow place cards from other locals if we can't

(Testimony of William Grami.)

get them printed quickly enough, and we black out the date—not the date, but rather the local number if it happens to be 624 or some other local, and enter the proper local number.

Mr. Berke: I move that be stricken as general and not confined to this particular card, what happened to it.

Trial Examiner: Motion denied. [1752]

\* \* \* \* \*

Mr. Karasick: It is stipulated and agreed that General Counsel's Exhibit [1834] 40-G, entitled "Employees October 19, 1954," is a copy of that list of employees which was used as the eligibility list at the election conducted by the Board at the respondent's plant on October 19, 1954.

Is that a correct statement and do you so stipulate?

Mr. Berke: I so stipulate. And let the record show that at this time I am returning to the court reporter the copy of General Counsel's 40-G which I took from the duplicate exhibit file so that I might check the record, the company's records on it.

\* \* \* \* \*

Mr. Berke: Now I would like to make a more specific motion to dismiss at this time, directing myself to specific allegations in the complaint about which I don't think there can be much quarrel.

Page 3, subparagraph 3, where the allegation reads: "In or about the latter part of September, 1954, the exact date being unknown, General Manager Elmo Martini threatened an employee with

physical assault unless said employee ceased his activities on behalf of the Union.”

Now I submit, Mr. Trial Examiner, that there isn't a shred of evidence to support that allegation, and I am urging quite seriously that the motion to dismiss that allegation be granted, because, since the hearing began, and each time that we have gone into recess and then resumed, both the press and news [1847] broadcasts on the radio, in referring to this proceeding, have constantly stressed that particular allegation and they have put more emphasis on it since an alleged assault upon one of the union representatives, leaving an inference and an innuendo which is completely unwarranted, and in light of the fact that there is absolutely no evidence to support that allegation, I submit that that allegation in the complaint should be dismissed at this time.

Trial Examiner: You oppose the motion, Mr. Karasick?

Mr. Karasick: I don't oppose that motion.

Trial Examiner: Motion is granted. [1848]

\* \* \* \* \*

Mr. Karasick: Mr. Examiner, it is my understanding that counsel for the respondent and counsel for the General Counsel hereby stipulate and agree that C. E. Storey and Clarence E. Storey are one and the same individual; and that the name Louise Thornton, L-o-u-i-s-e Thornton, T-h-o-r-n-t-o-n, as it appears on page 6 of General Counsel's Exhibit 37, and also as it appears on General Counsel's Exhibit 42-C, is an error, and the name actually should be Lois, L-o-i-s Thornton.

Is that a correct statement and do you so stipulate and agree?

Mr. Berke: So stipulated. [1855]

\* \* \* \* \*

ROLLO W. WINKLER

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Trial Examiner: Will you state your full name for the record?

The Witness: Rollo Wilford Winkler.

Trial Examiner: And your home address?

The Witness: 3651 Frei Road, F-r-e-i, Sebastopol.

Direct Examination

Q. (By Mr. Berke): Dr. Winkler, you are by profession a dentist, are you?

A. That is correct.

Q. And are you practising your profession at the present time? A. No, I am not.

Q. Is it correct that you are retired from your profession? A. Yes. At this time I am.

Q. Now, do you own a ranch at the present time? A. Yes.

Q. And what do you raise on that ranch—well, strike that.

Did you own that ranch last year and preceding years? A. Yes.

Q. What did you grow on that ranch last year?

A. I grow all apples. [1856]

Q. And are you a member of the Sebastopol Apple Growers Union? A. Yes.

(Testimony of Rollo W. Winkler.)

Q. Were you a member of the Sebastopol Apple Growers Union in 1953 and 1954?      A. Yes.

Q. Do you hold any office at the present time in the Sebastopol Apple Growers Union?

A. Yes.

Q. What office do you hold?

A. I am the Vice-chairman, and Chairman of the Executive Committee.

Q. Are you a member of the board of directors?

A. Yes.

\* \* \* \* \*

Q. (By Mr. Berke): Now last year did you hold any office in the Sebastopol Apple Growers Union?      A. Yes.

Q. What office did you hold?

A. I was in the same capacity last year.

Q. That is Vice-chairman of the board and Chairman of the Executive Committee?

A. Yes. I was also chairman of the, I believe it was [1857] chairman of the fresh marketing or the packing house committee, Fresh Apple Committee.

Q. Of the Sebastopol Apple Growers Union?

A. Yes. I wouldn't want to say—I wouldn't want to say I was chairman of that committee. I was on that committee.

Q. You were a member of that committee?

A. Yes.

Q. Was this last year that you are talking about?      A. Yes.

Q. As a member of the Sebastopol Apple Grow-



(Testimony of Rollo W. Winkler.)

ers Union, are the apples from your ranch processed at the Sebastopol Apple Growers Union?

A. Yes, they are.

Q. Were they in 1954 and 1953?

A. Yes, they were.

Q. Now will you tell us what your duties were as a member of this Fresh Apple Marketing Committee that you served on last year? [1858]

\* \* \* \* \*

A. Well——

Mr. Berke: Go ahead, if you remember the question.

A. (Continuing): As a member of the Fresh Apple Committee, it is our duty to watch the operation in our packing house, our deliveries of apples to the packing house, seeing that the apples are properly handled; that your bruising problem isn't too great, and checking the quality of the apples that come through and what percentage of culls are being culled out of the apples that the grower delivers, trying at all times to watch the thing so that the greatest return can be given the grower. That is primarily our duty and purpose and during the—— and also, to help assist in marketing conditions, I was sent to Los Angeles during the marketing period to check the Los Angeles market when it had plugged with apples that couldn't be sold and were blocking our movement. That was part of the work which I did.

Q. (By Mr. Berke): Now did you perform

(Testimony of Rollo W. Winkler.)

those duties as a member of the Fresh Apple Committee in 1954? [1859]

\* \* \* \* \*

Q. Now when apples were brought in to SAGU last year, where were they taken, will you tell us just what the procedure was?

A. Well the grower delivers his apples, orchard run, as they are picked from the tree, and he brings them to the packing house or he brings them to the plant and the apples are received and graded. A sample box is removed from each pallet—usually they are delivered on pallets—and each pallet of 36 boxes, usually one box is selected at random through the pallet and taken as a sample, to determine the grade of fruit or quality of fruit that the grower has in that load, and those are set aside and run over a special table.

The rest of the fruit is intermixed with other growers' fruit in the packing house and is run over the graders and the choice fruit is shipped to the fresh market whenever there are available orders, and the culls are separated from the choice fruit and which in turn goes to the cannery.

The cull is an apple which has varying types of defects, [1860] of which—oh, worms constitutes a cull, scab, misshapen apples and sunburned, overly bruised, or anything which defaces the surface of the apple makes it a cull and that apple is not fit for fresh shipment and in turn finds its way to the cannery.

Q. What about oversized or undersized apples, are those considered culls?

(Testimony of Rollo W. Winkler.)

Mr. Magor: I object to that on the grounds it is leading and suggestive. Let us have the witness' testimony.

Trial Examiner: Overruled. Go ahead.

A. Undersized apples are—well, first of all I will explain, in the state, we have a State Code which sets up the size regulation, and any apple of the Gravenstein variety which is smaller than 2-11/16ths automatically becomes a cull.

And large sizes are not controlled by Code or by order, but oversized apples as a general rule are hard to sell and if we don't have orders for size 88 to a box, they have, they necessarily have to go into the culls at that time.

\* \* \* \* \*

Q. Now in connection with your duties as a member of the Fresh Apple Committee last year, were you required to be at the Sebastopol Apple Growers Union plant?

A. Was I required to be?

Q. Yes. Did your duties require you to be there?

A. Well, if you—I would say this: That if you was to do [1861] your work conscientiously, you would have to be there. I don't believe that our, I don't believe that we are directed to be there, but when we are placed on a committee we are naturally put there in order to give service to our organization. And I have taken the job conscientiously and I have always made it a point to visit the plant at least once every day and sometimes twice, spend-

(Testimony of Rollo W. Winkler.)

ing anywhere from a half to an hour in the morning and the same in the afternoon.

Q. And did you make such visits last year?

A. Yes.

Q. With that frequency? A. Yes. [1862]

\* \* \* \* \*

Q. (By Mr. Berke): How long have you been growing apples, Dr. Winkler?

A. Well I have—I was born and raised on an apple ranch and spent my young life, as I went going through schools, on my father's ranch raising and picking apples. And after I graduated and became a dentist, I practiced for about until 1938. In 1938 I bought the apple ranch and I have been actively engaged in growing apples since that time.

Q. And how long have you been a member of the Sebastopol Apple Growers Union?

A. Ever since I have been in the apple business.

Q. And for how many years did you serve on the Fresh Apple Committee?

A. Well I have been, well I am not, I couldn't tell you whether I was on the Committee in '53 or not, on that committee. I can't remember for sure. I can't remember what committee I was on. I have been on the board for, oh, I believe this is my third or fourth year. I couldn't be sure.

Q. During the period of time that you served on the Sebastopol Apple Growers Union board of directors, did the board, while [1863] you were present, have occasion to consider the matter of the quality of the apple crop?

(Testimony of Rollo W. Winkler.)

A. Oh, yes. We always, we always evaluate the crop prior to our season, trying to determine what quantity of apples we will have for each segment of the industry. See, we engage in fresh shipments, canned shipments, and dried fruit, and it is quite important that we know what proportion of each, of the crop is going to be in each of these different segments of the industry, in order to know how we should price our fruit and how to prepare for taking care of it.

Q. Does quality have anything to do with determining the various segments, as you put it, into which the fruit will go?

A. Oh, yes, very definitely. When the quality of the fruit grown on the tree is good, you can expect a better proportion of it for the fresh market than if the quality is poor; why, then a greater proportion has to go to by-products.

Q. All right. Now will you tell us, based upon your experience and your observation, what the quality of the 1954 apple crop was? [1864]

\* \* \* \* \*

A. The 1954 apple crop was approximately 50 per cent of processing apples, or, in other words, culls. As I mentioned before, defects is the cause of that, and last year, due to early frost, weather conditions, aphids, we had a rather large percentage of culls over a normal year. [1866]

\* \* \* \* \*

Q. (By Mr. Berke): Now you say that approximately 50 per cent of the apples were processing

(Testimony of Rollo W. Winkler.)

apples. Would you please explain what you mean by that?

A. Well, any apple which doesn't meet the certain standard which I mentioned a moment ago to qualify it as a choice shipping apple, becomes a cull which finds its way to processing channels. And any apple which doesn't meet the required size finds its way to processing channels, and the 50 per cent that I mentioned is made up of small, overly large, and defective apples. [1867]

Q. And are you talking about the 1954 crop that came into Sagu?      A. That is correct.

Q. Now when you say approximately 50 per cent of the apples last year found their way into processing channels, what do you mean by "processing channels"?

A. Well we have the—first of all, the apple sauce, which is a by-product of our operation. And we call an apple that goes to a cannery a processing apple, an apple that is changed from its present state to some other form. And the small apples are crated, are used to make juice; the apples that are too small for peeling for the cannery are sold or manufactured into juice.

The waste material from the peelings and coring of the apple is made into what we term a concentrate. So that actually the entire apple all the way through is consumed. We don't throw away any portion of it, excepting that which rots.

Q. Now did the apple situation last year as you have described it become the subject of discussion

(Testimony of Rollo W. Winkler.)

with the General Manager of the Sebastopol Apple Growers Union; will you just answer "yes" or "no"?

The Witness: Will you please state the question again?

Mr. Berke: Yes. Would you give him the question?

(Question read.)

A. Yes. [1868]

Q. (By Mr. Berke): Now who was the general manager of the Sebastopol Apple Growers Union in 1954?

A. Mr. Martini.

Q. That is Elmo Martini?

A. That is right.

Q. And did you discuss the apple situation with him as you have described it?

A. Yes.

Mr. Karasick: Object to "as you have described it" as being leading and suggestive; move to strike the answer.

Trial Examiner: Denied.

Q. (By Mr. Berke): Did you have more than one discussion with Mr. Martini?

A. Yes.

Q. When was the first time that you had such a discussion, as near as you can recall?

A. Well the first, the first time the situation became, I might say, urgent, after we had been shipping apples for perhaps a week to ten days.

Q. In what month is this you are talking about?

A. As I recall, we opened our season last year around the 18th or the 20th of July, and after we had shipped for approximately a week to ten days the market became very sluggish and our movement

(Testimony of Rollo W. Winkler.)

of fresh apples became very slow, and our volume of apples being received at that time began to become greater [1869] and greater each day, and it became apparent that we were going to have to do something to correct the situation or we would have to slow up the picking of apples.

So Mr. Martini sent another director and I to Los Angeles to look over that situation down there and to determine what our move should be to meet the situation. We found the market completely filled with green apples and the buyers were in a non-receptive mood to the Gravenstein at that time.

So we came back, made our report——

Q. Who did you make your report to?

\* \* \* \* \*

Trial Examiner: Motion denied.

Q. (By Mr. Berke): Who was the other director? A. Mr. Guerrazzi, Lee Guerrazzi.

\* \* \* \* \* [1870]

Q. O.K. Now about when was it that you and Mr. Guerrazzi reported back to Mr. Martini?

A. Well I believe it was right around the 25th of July, right in that area. I wouldn't be positive.

Q. And where was this report made?

A. We reported back to Mr. Martini at his office at SAGU.

Q. And when you refer to "SAGU", is that the same as Sebastopol Apple Growers Union?

A. That is right.

Q. And who was present on the occasion of your reporting back to Mr. Martini?



(Testimony of Rollo W. Winkler.)

A. I don't recall who was present at the time we reported at our first report to him when we returned, but a very short time afterwards we reported to the entire board at a board meeting.

Q. No. I am talking now about the period about the 25th of July, when you reported to Mr. Martini. Was Mr. Guerrazzi present?

A. Yes.

Q. Were you? A. Yes.

Q. Mr. Martini? A. Yes.

Q. Anybody else that you can recall?

A. I can't remember whether there was or not.

Q. All right. Will you tell us what was said in that conversation [1871] and identify who was speaking, please?

Mr. Karasick: I object as being immaterial and irrelevant.

Trial Examiner: Overruled.

A. Well I can tell you what—the report that I gave to Mr. Martini was this, that we found in the market in Los Angeles approximately 19,000 boxes of green apples that were in cold storage and in bad shape in many instances.

Q. (By Mr. Berke): What do you mean by “bad shape”?

A. There was considerable bitter pitch showing up in them and they just simply looked rough. They were not an appealing apple at all, and the buyers were having a difficult time moving them. We went to our marketing men in the market—

Q. Excuse me for interrupting you. Is this

(Testimony of Rollo W. Winkler.)

what you told Mr. Martini? A. Yes.

Q. All right. Go ahead.

A. I told him we went to our marketing man and asked his advice on what we should do. At that time he told us that it might be well if we could declare a holiday and give the market a chance to clear up.

And we had met with our own broker while we were there and we told Mr. Martini what our broker advised us to do, which was practically the same thing.

And my idea at that time to Mr. Martini was that we shipped our fruit entirely too green. I told him how badly [1872] the stuff looked, and the whole trouble in our shipping deal was the fact that we were sending our apples down there too green. And the only thing I could see to do would be to curtail the shipments until they moved them out, until they had a chance to move those green apples out of the way.

Q. Was there anything more said in that conversation that you recall?

A. No. That is the general report that we gave.

Q. Now when was the next time that you had a discussion with Mr. Martini about the apple situation in 1954?

A. Shortly following that time; I couldn't tell you the day at all.

Q. How long after?

A. I would think that in the following two weeks our growers delivered lots more apples to our plant

(Testimony of Rollo W. Winkler.)

than we could ship out. The apples were starting to get ripe, starting to mature, and the picking started to come in very heavy.

And I started urging Mr. Martini to find outlets and sales for those apples, to prevent them from building up on our hands and causing us a loss.

And, as time went on, the situation became worse and worse, and, as our fruit matures, when it reaches a certain maturity we are able to go to cold storage with it. We filled our cold storage plant. We filled up all the available space we had surrounding our plant with grower-picked fruit. And the [1873] market gradually begin to improve a little bit; green stuff got out of the way, and we started moving some apples and, of course, all the time our cannery was going. [1874]

\* \* \* \* \*

Q. All right. Now on the second occasion that you talked with him, do you recall who was present?

A. No.

Q. And you say this was during the first week of August, 1954? A. Yes.

Q. All right. Now will you tell us what that conversation was with Mr. Martini?

A. Well I simply told him this, that we are getting so much fruit piling up here that we are going to have to do something in order to get rid of it before it starts to spoil, and I urged him to find, see if he couldn't find a sale for it, or to find someone that would can it for us. [1876]

\* \* \* \* \*

(Testimony of Rollo W. Winkler.)

Q. (By Mr. Berke): Do you recall when you first discussed the matter of the cold storage and the warehousing?

A. Well the first, the first time we discussed the cold storage situation was when the market was not taking our fresh apples fast enough to keep them out of our way.

Q. When was that?

A. I believe it was right along in the last week of July.

Q. All right. Did you discuss——

A. We discussed the advisability of putting, starting to put our apples into cold storage, and we made tests on them to [1877] determine their maturity. And I couldn't tell you the exact date we started to fill the cold storage, but it was right about that time, right around the 1st of August.

Q. Did the cold storage ultimately become filled?

A. Yes.

\* \* \* \* \*

Q. (By Mr. Berke): What was the warehousing situation at SAGU in 1954?

A. Well we have, we have one large warehouse which is separated from the rest of our plant, and we have one small warehouse which is in conjunction with our cannery.

Q. Was the warehousing utilized to capacity in 1954 at the SAGU plant?      A. Yes.

Mr. Karasick: Object to the form of the question.

Trial Examiner: Overruled.

(Testimony of Rollo W. Winkler.)

Q. (By Mr. Berke): And did it ever reach a point during the 1954 season where the warehouse capacity was completely used? [1878]

\* \* \* \* \*

A. Yes.

Q. (By Mr. Berke): When did that occur?

Mr. Karasick: Now what is it, warehousing or cold storage?

Mr. Berke: I am asking about the warehouse.

A. Well our warehouse capacity became filled on, as I recall it was along in the early part of September.

Q. (By Mr. Berke): Now what went into cold storage in 1954? Will you tell us what?

A. What went into cold storage?

Q. Yes. A. Well, we as a general rule—

Q. Now tell us about 1954, Dr. Winkler, not the general rule.

A. Well, the cold storage was filled with grower fruit picked direct from the field, picked direct and hauled from the field and graded and placed directly into cold storage. It was also filled with cull apples that were in excess of apples that could be handled by the cannery daily. [1879]

Q. And what in 1954 was stored in the warehouse?

A. Our warehouses are for canned applesauce.

Q. Now was the warehousing situation discussed at SAGU last year? A. Yes.

Q. Where did such discussion take place, and with whom?

(Testimony of Rollo W. Winkler.)

A. Well we had a discussion on our warehousing problem in the board meeting.

Q. And do you recall which board meeting such a discussion arose?

A. Well, we had our regular board meeting in September. We discussed the problem of warehousing, and it was filled at, was practically full in our September meeting.

Q. Now when was that September meeting, as near as you can recall?

A. Our meetings are the second Wednesday of every month. [1880]

\* \* \* \* \*

Q. (By Mr. Berke): Was Mr. Martini present at that meeting?      A. Yes.

Q. Was Mr. McGuire present, if you recall?

A. Yes.

Q. Now will you tell us what was discussed at that meeting, with respect to the warehousing situation at SAGU? [1881]

\* \* \* \* \*

A. Well, Mr. Martini reported to us that our warehouse was full and we had room for very little more sauce, and wanted to know what we wanted to do about it.

We discussed the situation, and I myself, I remember distinctly, I myself made a motion that we discontinue our night shift and that we go along with a day shift canning our apples and making as many direct sales as we could, in order to relieve the situation and——

(Testimony of Rollo W. Winkler.)

Q. (By Mr. Berke): This—excuse me, go ahead, finish. I just wanted to fix the time. Is this the meeting the second Wednesday in September you are talking about? A. Yes.

Q. All right, go ahead.

A. As I say, I made that motion that we discontinue the night shift and go on a one-shift basis, and left the closing of the night shift to the discretion of our manager as he saw fit to cut it off; whether it was today, tomorrow, or next day we weren't particularly interested in, but whatever would best fit [1882] his management. [1883]

\* \* \* \* \*

Cross Examination \* \* \* \* \*

Q. (By Mr. Karasick): Now Plant No. 5 was a former packing plant which was located in Molino Corners; that is where the cannery itself is located you have indicated; is that right?

A. That is right.

Trial Examiner: Talk up please.

The Witness: Yes.

Q. (By Mr. Karasick): That was used as a storage shed and packing plant in years prior to 1954; right? [1890]

A. Yes. It has always been a packing shed prior to our cannery.

Q. Yes. Now in 1954, however, that plant was, No. 5, Molino Corners, was converted to a can warehouse, was it? A. That is correct.

Q. And that work was completed in August of 1954; is that correct?

(Testimony of Rollo W. Winkler.)

A. Well I do not know exactly. It was somewhere along there, I presume. I don't remember what time, exactly what time it was finished, but it was done last spring.

Q. And it was finished before the season ended, was it?      A. I believe so.

Q. As a matter of fact, shortly after the season began, really. The season began in the middle or latter part of July, didn't it, packing?

A. Yes, started along the middle part of July.

Q. And so that the plant we are talking about, No. 5 plant, would be converted shortly thereafter, within a month or six weeks thereafter, as far as you remember?

Mr. Berke: Will you speak up? Your nod can't be recorded.

A. As far as I remember, it was completed right along in that period. I wouldn't want to say exactly; I don't know. [1891]

\* \* \* \* \*

Q. (By Mr. Karasick): Now wherever it was that you had this conversation with—strike that.

When you had the discussion at the board meeting, and I don't want to pin you down because you have indicated you don't remember which date it was, whether September or October, wherever it was, at that discussion you made that motion, it was about that time or shortly before that you came to the point where you felt that you were getting topheavy or overloaded [1898] with apples



(Testimony of Rollo W. Winkler.)

and should lay the Group 1, the night shift, off; is that right?

A. Well we were conscious of the fact that we were topheavy with apples quite a little while before that.

Q. But that was the point you felt that you had reached, where it would be necessary to consider this action that you moved to take; is that right?

A. Well, let me answer you this way: The action that we took to cut the night shift off was made after we got rid of this large bulk of apples that was stored outside that was giving us the headache and rapidly spoiling. And I believe there was about a 700-ton spoilage, or something to that effect. I don't remember whether those are accurate figures. But we had a large spoilage of this outside fruit.

But, the decision to turn the night shift loose was made after we had worked this surplus of fruit out of the way and the remainder of our fruit was left in cold storage where we could handle it.

Q. How did you work the surplus out?

A. We sent the surplus down to the Cooperative Cannery, which we are a member of, to be canned.

Q. Yes. Do you remember when that began?

A. Oh, I don't know the exact dates, but I think we started in in August and we took some down in August and then, as I recall, we stopped for a while. I think their growers begin [1899] giving them all that they could handle for a while. And we were

(Testimony of Rollo W. Winkler.)

cut off for a while. And again we started up delivering again in September. Now the exact dates I don't know.

Q. So that you sent these apples to the Cooperative, and then your recollection is that some time in August they couldn't handle it any more because their growers were sending them more than they could handle?

A. That is right. I think along the latter part of August they started to take some, and then as I recall the pressure from their growers was great enough that we weren't able to get any more in temporarily and we had a little lull between, and when theirs begin to slack up a little down there, why, then we were able to continue delivering.

\* \* \* \* \* [1900]

Q. (By Mr. Karasick): Now that being so, Dr. Winkler, can you tell us, since you have testified as to your knowledge and expertness in this field previously, whether the apple crop for [1904] the county last year was greater or less than the apple crop for the county was the year before, of 1953?

\* \* \* \* \*

A. Yes, it was larger in '54 than in '53. [1905]

\* \* \* \* \*

Q. Now with respect to the meeting at which the matter was discussed concerning the layoff of one shift, the night shift, as you indicated you were the only one who made a motion to that effect?

A. That is correct.

(Testimony of Rollo W. Winkler.)

Q. As far as you can recall, you were the only one who spoke about the matter?

A. I was the one who made the most pointed remarks concerning it.

Q. Do you remember any remarks anyone else made concerning it?      A. No, I don't.

Q. Now the motion was made that the question as to—strike that.

There was no decision made by the board of directors at that meeting, whenever it was held, as to when the layoff should occur, was it?

A. No. We left it at the discretion of the manager. However, we indicated that it should be done as soon as possible.

Q. But no date set?      A. No.

Q. Now what were the considerations that led you to this, [1908] again, please?

A. What were the considerations?

Q. Yes. What consideration led you to make this motion and to have it adopted by the board?

A. Well, we had reached the point where our surplus apples were out of the way. We had sent them out and had them canned. And our warehouse space was filled, and it is our general practice, whenever we reach the point where we can handle our final supplies of apples with one shift, we always do so. We have done it in the past. We are doing the same thing this year; will do the same thing in a matter of years, and it is just the natural trend of our operation. And it was based on that grounds.

Q. Any other considerations?

(Testimony of Rollo W. Winkler.)

A. Not that I can think of. Only the fact that it was the most economical and sound operational practice, in order to give the best returns to our growers. That is the basis for all of our decisions, or my decisions. [1909]

\* \* \* \* \*

Q. (By Trial Examiner): You testified to a certain spoilage of apples. In what form or state of packing or storage were those that spoiled?

A. Most of those that spoiled were stacked outside of our storage plant on our—we have a concrete apron around in our plant, and after our cold storage plant was filled, our overflow was just stacked up on pallets three high around the [1928] building in the open.

Q. How long did they remain there?

A. Well some of them were there, I don't know exactly how long, but they were there long enough that they started to rot.

Q. I am rather ignorant on this—

A. Well, I would say some of them were there three to four weeks.

Q. In the meantime, were more apples coming in?      A. Coming in all the time, yes.

Q. And then the apples were being used for the cannery direct from those that were outside?

A. They were being used, they were being used in wherever the cull was being used for the cannery; any amount of apples over and above the amount of culls that we'd have on daily run we'd use from the stockpile to fill in. But generally speaking we

(Testimony of Rollo W. Winkler.)

run our culls through the cannery and we generally try to do it directly. However, when our culls run heavy our cannery won't handle a full capacity of the culls. Then we have to take them and store them in cold storage.

Q. Well what I am trying to get at is this: You stacked so many apples outside of the warehouse? A. Yes.

Q. Now were some of those apples that were to be used for fresh pack?

A. Not after they have set. The law requires that the apple [1929] must be packed, I think it is—I have forgot the days—two or three days, only length of time they allow you. An apple picked from the tree without storage is a very minimum amount of time, and after it sets a few days it can no longer be used for fresh shipment, unless it is cold storage.

Q. Then apples that were outside, that were piling up outside would, if they were used at all, be used in the cannery, wouldn't they?

A. That is right.

Q. Do you recall the time when those apples began piling up outside?

A. Yes. They started piling up outside in the latter part of, in the latter part of August, I would say from the middle of August through the latter part of August they started piling up. That is usually our peak. [1930]

\* \* \* \* \*

## EZRA BRIGGS

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

\* \* \* \* \*

## Direct Examination

Q. (By Mr. Berke): Mr. Briggs, do you own or manage or lease an apple ranch? A. I do.

Q. Do you own—how many acres do you own, first? A. Five.

Q. And do you lease or manage an apple ranch in addition to the five acres you own? A. I do.

Q. Well, which is it, do you lease or manage?

A. Manage.

Q. How large a ranch is that?

A. Thirty acres of apples.

Q. What ranch is that that you manage? [1944]

A. Ruth W. Finley.

Q. And where is that located?

A. High School Road, Sebastopol.

Q. And where is your own ranch located, the one that you own? A. Cooper Road, Sebastopol.

Q. And did you manage the Finley ranch last year in 1954? A. I did.

Q. How many years have you managed that ranch? A. Since 1927.

Q. And how many years have you owned your own ranch? A. Since 1932.

Q. Now, last year, that is 1954, how many tons of apples were produced on your own ranch?

A. Approximately 20.

Q. And in 1954, how many tons of apples were

(Testimony of Ezra Briggs.)

produced on the Finley ranch?           A. 250.

Q. Are you personally a member of any cooperative apple organization in the Sebastopol area?

A. Cooperative Cannery.

Q. And is the Finley ranch or Mrs. Finley a member of any apple cooperative in the Sebastopol area?

A. Sebastopol Apple Growers Union, the Sebastopol Cooperative Cannery, and Green Valley Drier.

Q. That is the Finley ranch or Mrs. Finley is a member of [1945] those three organizations?

A. That is right.

Q. And was that true last year?           A. Yes.

Q. And with respect to your membership in the Sebastopol Cooperative Cannery, were you a member of that organization last year?

A. Personally?

Q. Yes.           A. Yes.

Q. Now, do you hold any office in the Sebastopol Cooperative Cannery?           A. I do.

Q. And what office is that?

A. President of the board.

Q. By the board, do you mean the board of directors?           A. Yes.

Q. Did you hold any office in the Sebastopol Cooperative Cannery last year?           A. Yes.

Q. And what office was that?

A. Chairman of the board.

Q. Is there a difference between president of the board and chairman of the board?           A. No.

Q. So when you referred to president of the

(Testimony of Ezra Briggs.)

board previously, was that the same position that you held last year?      A. Yes.

Q. Do you hold any office in the Sebastopol Apple Growers Union?

A. Not at the present time.

Q. Did you this year at all?

A. Up until July.

Q. What office did you hold until July of 1955?

A. Director.

Q. Did you hold any office in the Sebastopol Apple Growers Union last year, 1954?

A. Yes.

Q. What office did you hold?

A. Director.

Q. Now, for how many years were you a director of the Sebastopol Apple Growers Union up until July of this year?      A. Three years.

Q. And for how many years have you been chairman of the board of directors of the Cooperative Cannery?      A. Since 1951.

Q. For how many years have you been a member of the Sebastopol Cooperative Cannery?

A. Since '49.

Q. 1949? [1947]      A. That is right.

Q. And for how many years has the Finley ranch been a member of the Sebastopol Apple Growers Union?      A. Since 1927.

Q. I don't recall whether I asked you this. It may be repetitious. For how many years have you managed the Finley ranch?      A. Since 1927.



(Testimony of Ezra Briggs.)

Q. And for how many years have you owned your own ranch?      A. Since '32.

Q. Now, last year where did the Finley apples that were harvested on the Finley ranch go to?

A. SAGU, Coop Cannery, Green Valley Drier.

Q. By "SAGU" do you mean the Sebastopol Apple Growers Union?      A. Yes.

Q. And by "Coop Cannery" do you mean the Sebastopol Cooperative Cannery?

A. Yes, I do.

Q. And where did the apples from your ranch go to?

A. Sebastopol Cooperative Cannery, and Green Valley Drier.

Q. Now, the apples that went to the Green Valley Drier from both the Finley ranch and your own ranch, were those apples that came off the, that were picked off the tree for that purpose to be taken to this drier?

A. Would you repeat that again? [1948]

Mr. Berke: Would you give him the question.

(Question read.)

A. No.

Q. (By Mr. Berke): What apples were those?

A. They were windfalls.

Q. What do you mean by "windfalls"?

A. Apples that drop off the tree on the ground.

Q. Did you last year serve on any committees at the Sebastopol Apple Growers Union?

A. I did.

Q. What committee did you serve on?

(Testimony of Ezra Briggs.)

A. Cannery committee.

Q. Will you describe the functions and duties of that committee?

A. We check the quality with the quality control lady each day.

Mr. Karasick: I am sorry, Mr. Briggs; with your back turned somewhat to me I can't hear.

Trial Examiner: Will you face this way, please? Will you read the answer.

(Answer read.)

Q. (By Mr. Berke): Will you go ahead?

A. (Continuing) And also check the amount of fruit that was canned, the amount of fruit that was accumulating to be canned.

Q. Is that a general description of the duties of the [1949] committee?

A. Yes, sir, at that time of year.

Q. Pardon?            A. That time of year.

Q. What do you mean by "that time of year"?

A. Canning season.

\* \* \* \* \*

Q. All right. Now, last year, as a member of the board of directors of SAGU, and as a member of the cannery committee, [1950] did you have occasion to, during the course of the season, observe the quality of the apple crop that was delivered to the Sebastopol Apple Growers Union?

A. Yes.

Q. How often did you have occasion to observe the quality of that crop?            A. Daily.

(Testimony of Ezra Briggs.)

Q. Can you tell us what you observed with respect to its quality?

A. The quality was, I would say, poor, due to the defects of the fruit.

Q. Well, what do you mean by defects: what kind of defects?

A. We had a frost and some of them was frost-bitten, lopsided.

Q. Lopsided—is that what you said?

A. That is right. Which made it so they wouldn't go for shipping apples. [1951]

\* \* \* \* \*

Q. (By Mr. Berke): Well, did you, in addition to observing the quality of the crop, observe the quantity of the crop in 1954? A. I did.

Q. And did the matter of both the quality and quantity of the crop become a subject of discussion in which you participated? A. Yes.

\* \* \* \* \*

Q. Now, you say that the quality and the quantity of the apple crop delivered to SAGU became a subject of discussion. Was it a subject of discussion more than once? A. Yes.

Q. When was the first time that it became a subject of discussion, approximately when?

A. About August 27.

Q. 1954? [1952] A. That is right.

Q. And where was it discussed?

A. In SAGU, right there by the cannery.

Q. Are you referring to on the SAGU premises?

A. That is right.

(Testimony of Ezra Briggs.)

Q. And who participated in this discussion?

A. Myself and Mr. Martini that day.

Q. Anyone else present within the immediate area of the conversation?      A. No.

Q. Will you tell us what was said and who said it?

A. I said to Mr. Martini: "The apples, the culls are increasing on us and we should figure some way to dispose of them otherwise, either can them or send them to a drier."

Q. And what, if anything, did Mr. Martini say?

A. He said: "I think the crop is at the peak and I think I can handle it."

\* \* \* \* \*

Q. Now, when was the next time that it became a subject of discussion?

A. Along about the 5th of September. [1953]

Q. And where did that discussion take place?

A. About the same place, on SAGU property, at the cannery. Mr. Cordoza was there, myself, and Mr. Martini.

Q. Who is Mr. Cordoza?

A. One of the directors.

Q. Of what?      A. SAGU.

Q. And just the three of you were present in this conversation?      A. That is right.

Q. Will you tell us what was said then and who said it?

A. I said to Joe, I said: "The culls are increasing on us——"

Q. Wait a minute—who is Joe?

(Testimony of Ezra Briggs.)

A. Joe Cordoza.

Q. All right.

A. (Continuing) "We should do something about it. They are going to spoil on us."

Q. Was Mr. Martini present when you said that?

A. He was.

Q. All right. Go ahead.

A. And Elmo Martini again at that time said that he was sure he could handle them. And that is where the discussion stopped.

Q. Now, you have related in that conversation that you said that the culls are increasing on us. Tell us whether or not that was based upon an observation by you of the crop out at SAGU? [1954]

A. It was observation of the amount of culls that were setting right in front of us. [1955]

\* \* \* \* \*

Trial Examiner: Well, was there or was there not any increase in the number of culls that you observed at the SAGU plant between the dates of the two conversations?

The Witness: Yes.

Mr. Berke: "Yes" what?

The Witness: There was.

Mr. Berke: Well, finish—"Yes" what, there was what?

The Witness: More culls.

\* \* \* \* \*

Q. (By Mr. Berke): Now, was there a further conversation with respect to the apple situation in 1954 at SAGU? A. Not at that time.

(Testimony of Ezra Briggs.)

Q. Pardon? A. Not at that time.

Q. Well, was there at a later time? A. Yes.

Q. When, approximately when?

A. About the 10th.

Q. Of what? A. September.

Q. 1954? [1956] A. Yes.

Q. And where did that conversation take place?

A. On the SAGU property there at the cannery.

Q. And who was present on that occasion?

A. Mr. Cordoza, Mr. Martini, myself.

Q. Was there anyone else in the immediate presence of your conversation? A. No.

Q. Will you tell us the conversation on that occasion, and please identify who is speaking?

A. I said to Joe and Elmo at that time, I said: "The culls are increasing more. I think we should do something about it."

And at that time Elmo agreed that he was overloaded and that it was beginning to spoil. That was along about the 10th. Which he did do.

Mr. Magor: I move to strike the last answer on the ground it contains opinions and conclusions of the witness about Mr. Martini or Elmo agreeing. Let's have the conversation.

Mr. Berke: All right, we will get that.

Q. (By Mr. Berke): What is it that Mr. Martini said, as near as you recollect?

A. He said: "Well, I will go and find some place to put them."

And I said: "Well, we will can them for you at the Coop or we will take them to a drier."

(Testimony of Ezra Briggs.)

And he said: "I will hunt up a place right away."

\* \* \* \* \* [1957]

Q. (By Mr. Berke): Now, was there anything further in that conversation?

A. Not at that time.

Q. Was there any subsequent conversation about that same subject that you recall?

A. What do you mean "subsequent"?

Q. A later conversation? A. No.

Q. Now, between the time of the second conversation that you related and this last one, did you observe whether or not there was an increase in the culls?

\* \* \* \* \*

A. I did, yes.

Q. (By Mr. Berke): And what was that, was there an increase or decrease? [1958]

Mr. Karasick: Object to the question.

Trial Examiner: Overruled. Go ahead.

A. Yes.

Q. (By Mr. Berke): "Yes" what?

A. There was.

Q. So the record is clear, "Yes, there was" what, Mr. Briggs? A. More culls.

Q. Now, on the occasion of the first conversation in the latter part of August you have testified about, where were the apples at SAGU that you observed?

A. We had one cold storage room full and we had a bunch stacked in the yard.

Q. And how were they stacked in the yard, in what? A. In boxes on pallets.

(Testimony of Ezra Briggs.)

Q. And on the occasion of the second conversation in early September, where were the apples that you observed at that time?

A. We still had the cold storage room full and we still had stacks outside.

Q. And on the occasion of the third conversation, where were the apples that you observed at that time?

A. They were still one storage room full and still stacks outside.

Trial Examiner: Still one storage room, did you say?

The Witness: Yes.

Q. (By Mr. Berke): What do you mean by one storage room? [1959]

A. The Apple Growers Union has two storage rooms. One was filled with fresh fruit to ship. The other had these culls in it.

Q. And were there any apples on that occasion stacked outside?      A. There was.

\* \* \* \* \*

Q. (By Mr. Berke): Now, Mr. Briggs, to your knowledge, was SAGU last year a member of the Sebastopol Cooperative Cannery? [1960]

\* \* \* \* \*

The Witness: Now, what am I answering?

Mr. Berke: Whether or not SAGU was a member of Sebastopol Cooperative last year?

A. Yes. [1961]

Q. (By Mr. Berke): Now, will you please, Mr. Briggs, explain what is meant by being a member



(Testimony of Ezra Briggs.)

in the cooperative? Tell us how you acquire a membership or become a member?

Mr. Karasick: May I have a continuing objection to this entire line of questioning?

Trial Examiner: You may.

Go ahead.

The Witness: I may answer?

Trial Examiner: Yes.

A. A member has to, a person has to send their name in there and it comes before the board of directors before they become a member. Then they are taken in as a member and they put up so much money and from then on it comes out of, percentage of money on the amount of fruit they deliver. Some years we hold out \$5; sometimes it is  $7\frac{1}{2}$ ; sometimes 10.

Q. When you say 5 or  $7\frac{1}{2}$ , what is that based on? A. Per ton.

Q. And where does that money go to?

A. Goes into a revolving fund to operate the business.

Q. And then what happens at the end of the season to that revolving fund if there are any moneys left in it?

A. It revolves and after so many years it goes back to the grower, whatever isn't used.

Q. What do you mean by "it revolves"? I don't quite understand that. [1962]

A. Every five years we try to return them what they put in this year. If we take out \$10, five years

(Testimony of Ezra Briggs.)

from now they get what is left of that \$10. Might be \$7.50; might be the full \$10.

Q. In other words, there isn't a distribution made of the balance in the revolving fund every year; is that what you are saying?

A. No. It is five years before that they get.

Q. Well, this distribution is made every five years?

A. We try to make it every five years. It is up to the board of directors.

Trial Examiner: May I ask a question, please?

Mr. Berke: Sure.

Q. (By Trial Examiner): Is this amount that is retained based on a budget or something like that?

A. It is a working capital, of course. We don't sell any stock or anything like that but we do keep out so much a ton.

Q. I was wondering how the amount for each year is determined. Is that determined on a budget basis?

A. That is right.

Q. (By Mr. Berke): May it vary then from year to year as to the amount you will take out per ton?

A. That is right, yes.

Q. Do you know when SAGU became a member of the Sebastopol Cooperative Cannery? [1963]

A. In 1950.

Q. Did, in 1954, the Sebastopol Cooperative Cannery pack and ship fresh apples?

A. Yes.

Q. And did it in that year also can apples?

(Testimony of Ezra Briggs.)

A. Yes.

Q. Now, based upon your service both at Sebastopol Apple Growers Union and at the Sebastopol Cooperative Cannery, do you know what is done with the canned apples?

Mr. Karasick: Object to that.

Trial Examiner: Why?

Mr. Karasick: No proper foundation laid.

Trial Examiner: Well, the question is whether he knows what happens to it. If he says "Yes", why, then the basis of his knowledge becomes important. I will permit it.

A. Yes.

Q. (By Mr. Berke): All right. Now, will you tell us what happens to the canned apples after they have been canned?

Mr. Karasick: This is SAGU?

Mr. Berke: Yes. At SAGU.

A. They are stored in the warehouses.

Q. Now, were they stored last year in the warehouse?      A. Yes.

Q. Now, is there a particular type of warehouse that is required to store canned apples? [1964]

A. Yes.

Q. What type of warehouse is required?

A. Insulation.

Q. Did SAGU have an insulated warehouse last year?      A. Yes.

Q. Did they have more than one?      A. No.

Q. Now, why is it necessary to store canned apples in an insulated warehouse?

\* \* \* \* \*

(Testimony of Ezra Briggs.)

A. Change of temperature in a warehouse causes the cans to sweat and rust if it is not properly insulated.

Q. (By Mr. Berke): Does rust have an effect upon the grading of the canned apples? [1965]

\* \* \* \* \*

A. Yes.

Q. (By Mr. Berke): Will you tell us what effect it has on the grading, Mr. Briggs?

A. A small amount of rust can be cleaned with steel wool or sandpaper and be sold as a No. 1. If it is very much rust, it has to be degraded, sold to junkies.

If it is a lot of rust, it is condemned and has to be punctured and throwed away.

Q. Have you, during your service as a member of the board of both SAGU and the Sebastopol Cooperative Cannery, had any experience with rusting of cans containing apples?      A. Yes.

Q. When did you have such an experience?

A. In '50's pack.

Q. And whose pack was that?

A. Belonged to Sebastopol Apple Growers Union and Sebastopol Cooperative Cannery.

Q. And where was that pack warehoused?

A. It was packed in one of their apple sheds on High Street, [1966] Sebastopol.

Q. In whose apple shed?

A. Sebastopol Apple Growers Union.

Q. And do you know what number that building had, do you recall?

(Testimony of Ezra Briggs.)

A. I believe they call that No. 2.

Q. Was that an insulated warehouse?

A. No.

\* \* \* \* \*

Q. (By Mr. Berke): Did you see the condition of the pack in that warehouse? A. I did.

Q. Will you tell us what you observed? [1967]

\* \* \* \* \*

A. I was there, helped taking the cans out, saw that the cans was rusty. They had to be transferred back to the main building and cleaned at the Sebastopol Cooperative Cannery.

Q. (By Mr. Berke): Now, do you know whether or not cleaning of the cans, of those cans, involved any added costs to SAGU and the Sebastopol Cooperative Cannery? A. Yes.

Q. Did they involve added costs? A. Yes.

Mr. Berke: You may cross-examine. [1968]

Cross Examination \* \* \* \* \*

Q. (By Mr. Karasick): When did SAGU join Sebastopol Cooperative Cannery? A. '50, 1950.

Q. Now, how do you know that?

A. Because in '50 we packed for them.

Q. Who is "we"?

A. Sebastopol Cooperative Cannery.

Q. Were you on the board of directors of Sebastopol Cooperative Cannery in 1950?

A. Yes, I was.

Q. And what did you pack for them that year?

A. What did we pack?

(Testimony of Ezra Briggs.)

Q. Yes.            A. Apples.

Q. I know. But what kind of apples, apple sauce, apple slices?            A. Apple sauce. [1993]

Q. And do you remember the quantity?

A. No.

Q. 1950, SAGU didn't even have a cannery in operation, did it?            A. No.

Q. Now, since 1951 do you know of any relationship between SAGU and Sebastopol Cooperative Cannery, from '51 to the present time?

A. '54 we canned for them.

Q. Before that, to the best of your knowledge, there hadn't been any canning between '50 and '54, had there?            A. No.

Q. In other words, all of the canning by SAGU was done with the fruit that its grower members had sent in to it?            A. That is right. [1994]

\* \* \* \* \*

Q. (By Mr. Karasick): Let me see if we can straighten it out this way, Mr. Briggs. No. 5 plant last year, which was the plant located at Molino Corners where the cannery is, was converted to a can warehouse, was it not?            A. Yes.

Q. And the work on that was completed in August, 1954, was it not?

A. I don't remember the date, but it was completed in '54.

Q. It was completed shortly after the season began, was it not?            A. That is right.

Q. And before that there hadn't been a similar can warehouse except the small area connected with

(Testimony of Ezra Briggs.)

the cannery itself; isn't [1998] that right?

A. That is right. [1999]

\* \* \* \* \*

Recross Examination \* \* \* \* \*

Q. (By Trial Examiner): Referring to these conversations that you had with Mr. Martini about August 27 and September 5 in which he told you that he felt that he could handle it, by that did you understand him to mean by using the apples in the cannery there? A. Yes.

Q. You didn't understand that he meant to ship any of them out at that time?

A. No. Not of that quality.

Q. And after your conversation of September 10 or approximately that date, did you notice how soon after that he disposed of the apples that were standing around in the yard?

A. Some three or four days. [2014]

Q. Did he get rid of all of them?

A. As fast as he could.

Mr. Karasick: I object to that; move it be stricken as obvious hearsay.

Trial Examiner: I will strike that.

Q. (By Trial Examiner): What I am talking about is, to your observation were there still apples stacked outside following that conversation, and if so, for how long?

A. I noticed in the next three or four days that the apples begin to move. And from then on it was probably two weeks or more before they was gone, maybe three weeks. I don't know that exact amount

(Testimony of Ezra Briggs.)

because I noticed they begin to move out. That was what I was interested in.

Q. Do you know whether or not they removed any of the apples from cold storage, or only those that were outside?

A. Both. That is on the Gravenstein.

Q. Do you know where the apples that were in cold storage went?

A. Some of them went to the Coop Cannery.

Q. Do you know why?

A. Because they was spoiling.

Q. In cold storage, too?

A. Yes, A bruised apple in cold storage don't hold up. [2015]

\* \* \* \* \*

Q. (By Mr. Karasick): Apples can be sent to the drier as well as to another cannery or to be canned; isn't that right? You can dry apples?

A. Yes.

Q. Now, does the quality of the apple to be dried have to be as good as the quality for fresh fruit?

A. No.

Q. Nor does it have to be good as canning quality, does it?      A. No.

Q. Now, do you know what the quantities were of apples that were sent to the drier last year by Sagu?      A. The quality?

Q. The quantity?      A. No.

Q. Do you know how it compared with the quantity shipped in prior years?      A. No.

Q. But that could have been done with an ex-



(Testimony of Ezra Briggs.)

cess of these culls, a number of them could have been sent to the driers; right?      A. No.

Mr. Karasick: Your counsel is satisfied with the answer and is not moving to strike.

Q. (By Mr. Karasick): You say "No" they couldn't have been [2016] shipped to the driers?

A. That is right.

Q. Will you explain why?

A. Because the driers was full already.

Q. What driers, Green Valley, you are talking about?      A. The driers in the Sebastopol area.

Q. Now, how do you know that?

A. Because I personally looked. [2017]

\* \* \* \* \*

WILLIAM H. McGUIRE

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Trial Examiner: Will you state your full name, please?

The Witness: William Henry McGuire.

Trial Examiner: And your home address?

The Witness: 900 Norlee Street, Sebastopol, California.

Direct Examination

Q. (By Mr. Berke): Mr. McGuire, what is your occupation?

A. Sales manager for the Sebastopol Apple Growers Union.

\* \* \* \* \*

Q. (By Mr. Berke): How long have you been

(Testimony of William H. McGuire.)

sales manager for the Sebastopol Apple Growers Union?      A. Approximately two years.

Q. Now, is Sebastopol Apple Growers Union also referred to at times as "Sagu" or "Molino"?

A. That is correct, sir.

Q. Did you have any other capacity with the Sebastopol Apple Growers Union prior to the two years that you have been sales manager?

A. Yes, sir. When I was first employed in 1952, I took over [2026] the job of stock record and control clerk.

Q. And how long were you, did you have that job?      A. Just about a year.

Q. And when did you then—what was the next job you had after that at Sagu?

A. Next job I had was sales manager.

Q. And you have had that job continuously?

A. That is right, sir.

Q. Now, do you have any duties at all in connection with the board of directors at Sagu?

A. Yes, sir. I act as recording secretary for the board meetings.

Q. And what are your duties as recording secretary at the board meetings?

A. Well, I take all the important notes and discussions that take place at the board meetings, anything that might be of importance at a later date to our operation, and any motions that have been put before the board and passed, and so forth.

Q. Now, do you take such minutes at both regular and special meetings of the board?

(Testimony of William H. McGuire.)

A. Yes, sir, I do.

Q. Do you recall the meeting held on or about October 12, 1954, the board of directors at Sagu?

A. Yes, sir.

Q. Were you at that meeting? [2027]

A. Yes, sir, I was.

Q. Did you take minutes?           A. Yes, sir.

Q. How did you take those minutes, Mr. McGuire?

A. Well, I have a pad that I make notes of the minutes on. It is a pad similar to what you have on your desk there.

Q. You are referring to what it called a legal tablet that I have in my hand, on yellow sheets?

A. Yes, sir.

Q. All right.

A. (Continuing) And I take the notes in either pen or with pencil and take the notes of all important discussions or matters that come before the board as a matter of permanent record in our minutes.

Q. And what do you do with those notes that you take, minutes?

A. Immediately following the board meeting after it has been adjourned, they are put in the safe and locked up for the night. And the following morning I take my notes and type them up.

Q. Do you personally type them up?

A. Yes, sir, I do.

Q. And what do you type them up on, Mr. McGuire?

(Testimony of William H. McGuire.)

A. On regular 8½ x 11 typewriter paper. We have a bond that we get from our local supplier.

Q. And what happens to the handwritten notes then?

A. The handwritten notes are kept until the minutes have been [2028] approved at the next regular meeting of the board of directors.

Q. Do you just type one copy of your handwritten notes, or what is the situation?

A. The day following the board meeting, I make one copy. Then, about three days prior to the next regular meeting, I make nine copies and send one copy to each board member that, we have nine members on our board, and they are mailed to them so when the next regular meeting comes up, rather than going to all the time to read each minute at that meeting, we mail it to them and then they can either correct or approve the minutes as they see fit.

Q. Now, the description you have given here of how you take minutes, how you type them up and what you do with them, was that done in connection with the meeting of October 12?

A. Yes, sir, it was.

Q. 1954? A. That is right, sir.

Q. Now, was this meeting that was held on October 12 a regular or special meeting, Mr. McGuire?

A. That was the regular monthly meeting.

Q. Now, when, in 1954, were regular monthly meetings held?

A. Normally on the second Wednesday of the month.

(Testimony of William H. McGuire.)

Q. Now, October 12, according to the calendar, was a Tuesday. Was there some particular reason, to your knowledge, why that meeting was held on Tuesday, the 12th, rather than Wednesday, [2029] the 13th?       A. Yes, sir, there was.

Q. Will you please state it?

A. The board was called at the regular meeting on Tuesday due to the fact that Mr. Oscar Hallberg, who was president of the Apple Growers Council of California, was flying east the next day and there was information as to whether we wished to remain as a member of that organization or not and he had to have that information before he left Sebastopol for the East. Therefore, the meeting was called one day in advance.

Q. Now, I am handing you a book which you gave me a little while ago, Mr. McGuire; what is that book?

A. That is our minutes book of the Sebastopol Apple Growers Union.

Q. And does that contain, among other minutes, the minutes of the meeting of October 12, 1954?

A. One moment, and I will look.

Yes, sir, these are the minutes of October 12.

(Book handed to counsel for General Counsel.) [2030]

\* \* \* \* \*

Q. (By Mr. Berke): Mr. McGuire, what happens to the original notes that you take at the meeting?

A. After the board has approved the minutes, I

(Testimony of William H. McGuire.)

take and destroy the original of my own, taken in my own handwriting. After they are typed in the book, then I see——

Q. Is that done at all regular and special meetings? A. That is right, sir.

Q. Was that done with respect to the meeting of October 12? A. That is right, sir.

Q. Now, is there a minute in this minute book that shows the minutes of October 12 were approved by the board? A. Yes, sir.

Q. And you are pointing to page what, 344 of the minute book?

A. Page 344 of the minute book, the regular meeting, dated November 17, 1954.

Q. You referred then to page 344 of the minute book relating to a regular meeting of the board of directors November 17, 1954, Sebastopol Apple Growers Union; is that correct?

A. That is right, sir. [2031]

Q. And, among other things, the minute states: "Minutes of the regular meeting of October 12 and special meeting of October 29 were approved as mailed." Is that correct?

A. That is right, sir.

Q. Now, did you type up, for the purpose of this hearing at my request, copies of the minutes of the regular meeting of the board of directors of October 12, 1954? A. Yes, sir, I did.

Q. And did you compare the copies that you typed with the minute as it appears here at pages 342 and 343 of the minute book?

(Testimony of William H. McGuire.)

A. Yes, sir, I did.

Q. And are they an exact and accurate copy of the minutes on pages 343 and 344 as they pertain to the regular meeting of the board of directors of October 12, 1954?

A. They do. Yes, sir.

Mr. Berke: I will offer the original minute as our exhibit next in order and ask leave to withdraw it and substitute these copies, since these are part of the company records.

Trial Examiner: Any objection?

Mr. Karasick: No objection.

Trial Examiner: That is No. 12. Respondent's No. 12 is received in evidence. And, there being no objection, permission is granted to withdraw the original and substitute copies.

Mr. Berke: Thanks. [2032]

(Thereupon the document above referred to was marked Respondent's Exhibit No. 12 for identification and was received in evidence.)

Q. (By Mr. Berke): Now, Mr. McGuire, following the meeting of the board of directors on October 12, 1954, did you have a discussion with Elmo Martini concerning what transpired at the board meeting?

A. Yes, sir, I did.

Q. When did you have that discussion?

A. The following morning about between 8:00 and 8:15 in the morning.

Q. That would be October 13, 1954?

A. That is right.

Q. And where did the discussion take place?

A. This discussion took place in Mr. Martini's

(Testimony of William H. McGuire.)

office at the Sebastopol Apple Growers Union.

Q. And who was present?

A. Mr. Martini and myself.

Q. And will you please tell us what was said and identify who was speaking?

A. Mr. Martini called me in his office and we went over the board discussion on the previous night as of October 12, and after looking into our warehouse problems and our production, it was decided——

Q. Well, will you, as near as you can, use the language that [2033] was used, what Mr. Martini said to you, what you said to him, as near as you can recall the substance of what was said?

A. Yes, sir. When Elmo called me in his office——

Q. What time was this?

A. I would say 8:15 the following morning of October 13.

Q. All right.

A. (Continuing) Mr. Martini called me in his office and said he would like to discuss the situation with me. So, we sat down and talked and he asked me about the, what I had on order, that is, our liquid sugar, our cans, our cartons, which were coming to the cannery.

Q. What did you tell him?

A. So I told him that, the amounts that I had ordered, and he wanted to know if we could take and have them stopped so we wouldn't have an excess on hand when we went to our single shift.



(Testimony of William H. McGuire.)

I told him "Yes," I would immediately contact the can companies and the sugar company and the carton people. We do have a problem of about a three-day transit time between our suppliers and ourselves. So therefore it is quite important that we schedule our supplies in to meet our production in our cannery.

Q. Go ahead with your conversation with Mr. Martini.

A. After that was discussed, Elmo told me to advise Mr. Duckworth that effective Monday morning to prepare a list of [2034] people who would remain on the single shift.

Q. Now, who was Mr. Duckworth at the time?

A. Mr. Duckworth—I am sorry, I didn't—

Q. Who was Mr. Duckworth at that time; what was his relationship to Sagu?

A. Mr. Duckworth was the cannery superintendent at that time.

Q. Now, have you told us all the conversation that you recall between yourself and Mr. Martini on that occasion?

A. As far as I can recall, yes.

Q. Now, following that conversation, what did you do?

A. I went to the cannery and got a hold of Mr. Duckworth and told him of Mr. Martini's conversation between Mr. Martini and myself.

Q. What did you say; use as near as you can recall the language used.

A. "Leonard, Elmo has asked me to relay the

(Testimony of William H. McGuire.)

message to you to cut our operation down to a one shift basis effective Monday morning, which would be October the 18th."

Leonard replied: "Well, that is fine, Bill; I will get on that right away."

And that was the conversation between Mr. Duckworth and myself.

Q. All right. Now, did you see Mr. Duckworth later that day or the next day about the matter of going from two shifts to one shift? [2035]

A. I saw Leonard later that afternoon. I asked Leonard if it would be of any help to him——

Q. Wait a minute. Where did you see him?

A. I saw him in the cannery office.

Q. All right. And who was present?

A. Mr. Duckworth and myself.

Q. All right. Go ahead.

A. I asked Mr. Duckworth if it would be of any assistance to him if I made a list of the employees who were then presently employed on day shift and night shift. We had records in our office.

And he said: "Yes, Bill, that would be fine, because it would be much easier if he had a good legible copy to read from."

So I said: "Well, that is fine, Leonard. I will make a copy for you and I will have it back in the office whenever you want it."

He said: "Okay, that is fine. You bring it in this afternoon and we will go over that list."

Q. Did you make up such a list?

(Testimony of William H. McGuire.)

A. Yes, sir. I made up a list of the day crew and a list of the night crew.

Q. Who were then presently at that time employed at Sagu?           A. That is right, sir.

Q. And what did you do, was it all one list, or was it two [2036] lists, or what was the situation?

A. No, sir, it was two lists. I made one list which comprised the names of those on the day shift then presently employed, and one list of the night crew then presently employed.

Q. And what did you do with those two lists?

A. I took the lists over that afternoon to Mr. Duckworth in the cannery and told him these were the lists that I had made out so they could pick out their single shift.

Q. And was anyone present other than Mr. Duckworth when you handed him those lists?

A. Leonard was there. There were possibly one or two others; who it was, I do not know.

Q. Now, did that list or those lists subsequently come back to you?

A. Yes, sir; they came back to me Thursday morning, which was October the 14th.

Q. And when they came back to you, was there any change on them from the——

A. Was there any change made on them?

Q. ——from the manner in which you turned them over to Mr. Duckworth?

Mr. Magor: Object to on the ground it is not the best evidence.

(Testimony of William H. McGuire.)

Mr. Karasick: May the direct question be asked of the witness also? [2037]

Trial Examiner: I will permit that question. You may answer.

A. The changes made on the lists——

Trial Examiner: Don't tell what the changes were; just "Yes" or "No".

A. (Continuing) Oh, "Yes", I am sorry.

Q. (By Mr. Berke): Now, do you still have those lists?      A. No, sir, I have not.

Q. Have you looked for them at my request?

A. I have looked high and low for them.

Q. All right. Now, will you tell us as you recall what the changes were on the lists?

A. Yes, sir. There was a penciled check mark by those names that they wished to retain on the single shift.

Q. Now, who brought those lists back to you, Mr. McGuire, as you recall?

A. Mrs. Ella Herrerias, who was then our floor lady.

Q. Mr. McGuire, did you participate in the selection of the people who were going to be retained for the single shift?      A. No, sir.

Q. Did you participate in the meetings that were held for that purpose?      A. No, sir. [2038]

\* \* \* \* \*

Q. (By Mr. Berke): Now, do you recall a meeting that was held at Sagu of the employees on or about October 15?      A. Yes, sir.

Q. Where did that meeting take place?

(Testimony of William H. McGuire.)

A. There was a meeting of employees in the warehouse directly east of our cannery building.

Q. Is that a separate building, separate from the cannery?  
A. Yes, it is.

Q. And what time on that day did that meeting take place, Mr. McGuire, if you recall?

A. Between 3:30 and 4:00 o'clock.

Q. Were you informed before that meeting that such a meeting was going to be held?

A. Yes, sir; I was informed that morning.

Q. Which morning is that?

A. The morning of the 15th.

Q. By whom?

A. By Mr. Elmo Martini, our general manager.

\* \* \* \* \*

Q. And will you tell us what was said and identify who is speaking, please?

A. Mr. Martini called me into his office and said they were going to have a meeting of the cannery personnel, that is, of both day and night shifts at—the time slips my mind—either 3:30 or 4:00 o'clock, at which time the names would be read for those who were going to remain on the single shift, and asked me if I would be ready at that time and to read the names off. And I told him that I would be ready.

Q. Now, did you attend that meeting that afternoon?

A. Yes, sir. I attended the meeting. I was in and out.

Q. By the way, was there any further conversa-

(Testimony of William H. McGuire.)

tion between Mr. Martini and yourself on that occasion?      A. No, sir.

Q. You say you were in and out. What do you mean by that?

A. When the, at the time the meeting took up, I believe Mr. Bondi spoke first, and I mean I wasn't present all the time. I was, might have been there two or three minutes, and I'd have to go out maybe to answer the phone, or something like that.

Q. And did you actively participate in that meeting?      A. Yes, sir.

Mr. Karasick: Object to the characterization, particularly [2043] in view of the witness' last answer, and ask it be stricken.

Trial Examiner: Motion denied.

Q. (By Mr. Berke): To what extent did you participate, Mr. McGuire?

A. I read the names off of the list which I had prepared from the two lists furnished me by Mrs. Herrerias as those names appearing to be retained on the single shift.

Q. Mr. McGuire, I show you a document that has been marked for identification as Respondent's Exhibit 13 and ask you if you have seen that before?      A. Yes, sir.

Q. Was that prepared by you?

A. That is right. This is the list prepared by myself.

Q. Did you type it?

A. I typed this myself, yes.

Q. And the handwriting that appears thereon in

(Testimony of William H. McGuire.)

ink and the penciled scratch marks, whose are those?

A. Those are mine.

Q. When was that document prepared by you?

A. This was prepared by me on the afternoon of the 14th.

Q. Of what?           A. 14th of August, 1954.

Q. August?           A. October—I am sorry.

Q. And what was it prepared from? [2044]

A. This was prepared from the two lists that I had given the cannery superintendent, Mr. Duckworth, to work with to get the—to choose the ones, the single shift from the two shifts is what I am trying to say.

Mr. Karasick: Could I have that answer, please?

(Answer read.)

Q. (By Mr. Berke): Are those the two lists that you testified to this forenoon that Mrs. Herrierias brought back to you with check marks after the names?           A. That is right.

Q. And it was from those two lists that you prepared this, Respondent's 13 for identification?

A. That is right.

Q. Now, you say at the meeting on the afternoon of October 15 you read the list of names. Tell us whether or not that list of names, Respondent's 13 for identification, was the list that you read?

A. This is the list that I read at that meeting, yes, sir.

Mr. Berke: I offer in evidence—there is a circle at the top in pencil with a 5, which was put there by me for the purpose of having five copies made.

(Testimony of William H. McGuire.)

I can't find the copies, but I will supply the duplicate and copies for the counsel for General Counsel.

(Thereupon the document above referred to was marked Respondent's Exhibit No. 13 for identification.) [2045]

\* \* \* \* \*

Voir Dire Examination

Q. (By Mr. Karasick): Mr. McGuire, do you remember the request to supply me a list, during the investigatory stages of this case, with the employees whose names you read were going to be retained——

A. I do. Pardon.

Q. ——whose names were going to be retained at the layoff on October 14?

A. Oh, yes.

Q. General Counsel's Exhibit 36 has been stipulated, I think, between counsel as being the list that you sent to us at our request. You recall that, do you not?

A. I recall when you asked me for the list, yes, sir.

Q. You remember that this list was sent to us at our request, namely General Counsel's Exhibit 36, which you hold in your hand?

Mr. Berke: Well, just a minute. I am going to object to this. Improper voir dire. He is not questioning about the document I have offered.

Mr. Karasick: This is preliminary.

Mr. Berke: Well, wait a minute. This line of questioning is more appropriate for cross examination.



(Testimony of William H. McGuire.)

Trial Examiner: It sounds to me like it is. I don't know—— [2046]

Mr. Karasick: It is preliminary to this list.

Trial Examiner: I will permit it. Go ahead.

Mr. Karasick: Would you—I don't expect you remember the last question, do you, Mr. McGuire?

The Witness: No, sir, I don't.

Mr. Karasick: I will ask the reporter to read it for you.

(Question read.)

Mr. Karasick: That is right, isn't it?

A. That is right.

Q. (By Mr. Karasick): And the list was prepared by you and then sent on to us?

A. This list that I hold in my hand here, after Mr. Berke brought it to my attention——

Q. Just answer my question.

A. I am trying to.

Q. My question is, the list you hold in your hand was prepared by you and sent to the board?

A. This was not prepared by me, no, sir. That is what I am trying——

Q. Will you tell us who prepared it?

A. Miss Ernestine Albini prepared this.

Trial Examiner: Has the exhibit number been given?

Mr. Karasick: Yes, General Counsel's Exhibit 36 we are talking about, is it? [2047]

The Witness: That is right.

Q. (By Mr. Karasick): Miss Ernestine Albini

(Testimony of William H. McGuire.)

at that time was an office employee of the respondent, was she not?

A. That is right; she was.

Q. Working in the office with you?

A. She was under the direct supervision of Mr. Wilson, not myself.

Q. Yes. But she was in the office with you?

A. That is right.

Q. And did you ask her to prepare this list?

A. Yes, sir. I asked her to prepare this list. I got the list out of our files after I had been requested by yourself to make this list, and asked her if she would make a copy so I could have it sent in for your files.

Q. And then you gave her for the purpose of preparing the copy the copy, which copy is now marked as Respondent's Exhibit 13 for identification; is that right?

A. That is correct, sir. [2048]

\* \* \* \* \*

Trial Examiner: There has been testimony in this case, Mr. McGuire, that Erma Bate's name was not read at the meeting at which you read the list of names and that she was later told that that, it was a mistake that her name was left off. Now, the [2055] question is, in the light of such testimony, would it refresh your recollection now as to whether or not her name was on the list that you prepared and that you have identified now as——

Mr. Berke: That is you mean was it on there at the time he read it?

(Testimony of William H. McGuire.)

Trial Examiner: Was it on there at the time you prepared it, or was it added later?

The Witness: No, sir; it was on the original list that I prepared. It appears on this list here, Mr. Hearing Officer.

Mr. Berke: Referring to what, Respondent's 13 for identification?

The Witness: That is correct. [2056]

\* \* \* \* \*

Q. (By Mr. Karasick): How many copies of Respondent's Exhibit 13 for identification did you make up, Mr. McGuire?

A. I made up one, Mr. Karasick.

Q. Just this copy?

A. That is right, sir.

Q. And no other copies? A. No.

Q. Where has it been since that time; what did you do with it immediately after you read it?

A. It has been in our file in the office. [2057]

\* \* \* \* \*

Trial Examiner: All right. Respondent's Exhibit 13 is received in evidence, subject to production of a duplicate.

\* \* \* \* \*

Direct Examination—(Resumed)

Q. (By Mr. Berke): Now, Mr. McGuire, during the times that you were present at the meeting of the employees in the warehouse on October 15, did you hear Mr. Bondi speak?

A. No, sir, I did not.

Q. All right. You have answered it.

(Testimony of William H. McGuire.)

Did you hear Mr. Martini speak at that meeting?

A. Just part of his speech is all.

\* \* \* \* \*

Q. (By Mr. Berke): Did you observe during the time you did hear Mr. Martini speak whether or not he was speaking from any notes or any documents?

A. Mr. Martini had a paper in his hand.

Q. Do you know what that paper was?

A. If I could see it I could identify it.

Q. I show you a document in evidence, Mr. McGuire, as General Counsel's Exhibit 25, which is dated October 14, 1954, mimeographed on the letter-head of Sebastopol Apple Growers Union and ask you, looking at that, if that refreshes your recollection as to the document from which Mr. Martini read while you were present on October 15?

A. Yes, sir, it does.

Q. Now, do you know whether or not copies of that document [2062] were made up?

A. Yes, sir, there were.

Q. And what was done, if you know, with those copies?

A. Immediately after the meeting was over, the employees who had been terminated were each given a copy so that they may present this to the Unemployment Office, showing they had been terminated through no fault of their own.

Q. Mr. McGuire, did you know an employee by the name of Clarence Storey during the 1954 season?

A. Clarence Storey?

(Testimony of William H. McGuire.)

Q. Yes.           A. Yes, sir, I did.

Q. Now, Mr. Storey testified here that sometime in the spring of 1954 you met him in town and asked him if he was going to return to work this season. And when he answered that he was you said "Good."

Did such a conversation take place?

A. No, sir, it did not.

\* \* \* \* \*

Q. (By Mr. Berke): Now, Mr. McGuire, Mr. Storey also testified [2063] that about four days before July 12 in the afternoon you telephoned him and stated that SAGU was going to run a trial batch on July 12 and asked him "Will you be here with us?"

Did such a call take place?

A. No, sir, I made no such call.

Q. Did you ever make a telephone call to Mr. Storey to ask him to come to work?

A. I did not.

Q. Did you ever call any employee to ask any employee in the cannery to come to work?

Mr. Karasick: I object on the grounds that it is not material, relevant, or competent.

Trial Examiner: Overruled. You may answer.

Mr. Berke: Would you give him the question?

(Question read.)

A. No, sir.

Q. (By Mr. Berke): Mr. McGuire, did you know an employee during the 1954 season at SAGU by the name of Tripp?           A. Yes, I recall.

(Testimony of William H. McGuire.)

Q. Now, Mrs. Tripp testified here that on October the 14th while she was working in the can car, you stopped and asked the girls in the can car where their buttons were. Did such an occurrence take place on October 14 or any time during the season of 1954?

A. It most certainly did not, no, sir. [2064]

Q. She also testified that you were asked where your button was and that you lifted up your sport shirt and revealed a union button between your hip and side pocket. Did such an occurrence take place on October 14 or any time during the season of 1954?

A. No, sir, it did not.

Q. Did you at any time during the season of 1954 wear a union button?

A. No, sir, I did not.

Q. Did you at any time during the season of 1954 wear a button, whether it was a union button or any other kind of a button between your hip and side pocket?

A. No, sir, I never did.

Q. Did you during the 1954 season wear a button, whether it be a union button or some other button, did you wear a button?

A. Yes, sir, I did.

Q. Now, what sort of a button was that?

A. Well, it was the button put out by Mr. Eisenhower, "I Like Ike."

Q. Where did you wear that?

A. Wore it up here (indicating).

Q. Where are you indicating with your finger?

A. Well, just above my heart.

(Testimony of William H. McGuire.)

Trial Examiner: On your shirt?

Q. (By Mr. Berke): On your shirt? [2065]

A. Yes. On my shirt, just above the pocket.

Q. Do you still have that button?

A. No, sir, I have not.

Q. Can you describe for us what it looked like?

A. The best of my ability, a round button about the size of maybe a quarter, American quarter, white, and in, I believe, dark blue lettering or possibly black it had "I Like Ike" across, around the, it had a little blue and red shield with the American flag. [2066]

\* \* \* \* \*

A. The election was after the layoff.

Q. Now, Miss Albini testified that after the election you said you had a list which you were going to send to the Cooperative. Did you make such a statement? A. No, sir, I did not.

Q. Did you have such a list that you were going to send to the Cooperative?

A. Absolutely not, no, sir.

Q. Did you send a list to the Cooperative?

A. No, sir, I did not.

Mr. Berke: You may cross examine.

Cross Examination [2069]

\* \* \* \* \*

Q. (By Mr. Karasick): The differences between General Counsel's 36 and Respondent's 13 are 38 in number, from my quick count, and that 38 counts names that, if you take General Counsel's 36 as a

(Testimony of William H. McGuire.)

basis, were either deleted from that exhibit or added to it, in other words, changes on the list.

Now, with that in mind, Mr. McGuire, can you explain to the Examiner how that many changes could occur in a document or did occur in this document which marks the difference between Respondent's 13 and General Counsel's 36?

A. The only logical answer that I can give, Mr. Karasick, is, as I stated before, I had Miss Albini type the list up at your request and in our files we have numerous lists and whether by mistake that she typed several names that had off her flyleaf that might have come back this way, I don't know. She may have [2086] done that.

And, unfortunately, I did not check these lists after Miss Albini typed it because she was an excellent typist and therefore I did not take and recheck the list from the one that we had in our file. That is the only possible reason that I can give.

Q. She gave the list to you after she typed it for submission to us or forwarding to us; is that right?

A. That is right.

Trial Examiner: Mr. Karasick, have you asked him how many copies of the list Ernestine Albini made?

Mr. Karasick: No. But I would be very happy to.

Q. (By Mr. Karasick): How many copies of the list did Miss Albini—

A. She made just one list here, as I recall?

Q. Just the original?



(Testimony of William H. McGuire.)

A. Yes. I asked her if she would make a list of these names so I could send them in to Mr. Karasick of the National Labor Relations Board. He had requested this list. And if she would make them up for me. She said she would.

Trial Examiner: What was the date you asked her to do it?

The Witness: Sometime right around the middle part of February.

Mr. Berke: What year?

The Witness: 1955. [2087]

\* \* \* \* \*

Q. Did I understand that you wore an "I Like Ike" button in 1954? A. Yes, sir.

Q. When did you stop wearing it? I am merely curious whether the campaign was beginning early or——

Mr. Berke: What has that to do with the case?

Trial Examiner: It has a bearing on the case.

A. I would say I wore it a couple of days, Mr. Karasick.

Q. (By Mr. Karasick): When was the time that you did wear it, according to your recollection?

A. Well, it was in October.

Q. In October. And in relation to the layoff of October 15, 1954, was it before or after?

A. It was before that time.

Q. How long before?

A. Oh, as far as my memory serves me, possibly the first week of October.

Q. You wore the button a couple of days; is that

(Testimony of William H. McGuire.)

right? A. That is right.

Q. What prompted you to wear it at that time?

A. I hate to take up the space of the reporter and so forth——

Mr. Berke: Go ahead and answer the question. Don't worry about space. [2089]

A. (Continuing): I will answer the question then.

We had a young chap that worked at the plant and it wasn't his fault that he was a little mentally deficient, poor fellow. But anyway, he was a very strong Eisenhower backer, and myself, I was on the other side. And we kept joking back and forth, oh, for maybe a month or so about the pros and cons of each party. And he had, I would say, nine or ten of these buttons he used to wear on his cap and on his shirt and even on the back of his jacket. [2090]

\* \* \* \* \*

Q. (By Mr. Karasick): You knew that an election was imminent at the time the board of directors held their meeting on October 12, did you not?

A. We had had notice that there was going to be one. We had no definite date, Mr. Karasick.

Q. The Board direction of election had come out before that, had it not? A. That is right.

Q. Nothing was said at the meeting on October 12 at the board of directors meeting about the election at all. Was that right?

A. There was nothing mentioned at the meeting, no, sir. [2091]

\* \* \* \* \*

(Testimony of William H. McGuire.)

Q. No discussion of organizing the employees?

A. No, sir.

Q. No discussion of employees being members of the union or not being members of the union?

A. No, sir.

Q. No discussion of the fact that the number of employees who were union adherents or weren't union adherents would or wouldn't affect the election one way or another, was there?

A. No, sir.

Q. No question raised as to this entire problem as it would affect operations of the plant, was there?

A. No, sir. [2092]

\* \* \* \* \*

Q. (By Mr. Karasick): Did you take the minutes of the board of directors meetings last year?

A. I acted merely as recording secretary.

Q. And as such you attended all meetings of the board of [2093] directors last year, both general and special?

A. I attended most of them, and in my absence Mr. Wilson would take the minutes. Sometimes I would be ill or previous commitments and I wouldn't be there and so Mr. Wilson would.

Q. Those were rather infrequent intervals; for the most part, you were able to record the minutes and be there, weren't you?

A. Yes, sir.

Q. Now, with that as a background, you don't recall any discussion of this subject matter I just called to your attention at any of those meetings; is that right?

A. About an impending election?

(Testimony of William H. McGuire.)

Q. About an impending election, about organization of employees, upon the union drive, or anything of a similar nature?

A. There was a meeting earlier that the manager brought out that he had been contacted by the local representatives of the labor union and that they wished to see if they could organize the people in our cannery. I think that was in the, possibly the latter part of July that that took place.

Q. The book of the minutes of last year are here, are they not?           A. They are, sir.

Q. Would you check the minutes for that period and see if you can find those minutes?

Mr. Berke: Well, go ahead, but I am going to object to this line as going beyond the scope of the direct and improper [2094] cross examination.

Trial Examiner: Overruled.

A. (Examining book): There was a special meeting on July 28 of 1954.

Q. (By Mr. Karasick): Where that subject matter was brought up?

A. That is the subject matter was that Mr. Rhodes and Mr. Bertolucci had visited Mr. Martini's office and had discussed the possibility of organizing the cannery help.

Q. What else was mentioned in the minutes about that?

A. That considerable discussion was held in this regard. Briggs suggested that the manager contact Mr. Jack Rossi, R-o-s-s-i, who was an expert on matters of this type to find out what favorable

(Testimony of William H. McGuire.)

action we could take to discourage the AFL from causing any disturbances among our employees.

Q. Anything further in the minutes in regard to that matter?

A. No. The next paragraph has to do with the——

Mr. Berke: You don't have to state. If there is nothing further, I am going to object to it.

The Witness: No. Just that one.

Mr. Karasick: I take it you have no objection if I look at this?

Mr. Berke: That particular minute, yes.

Q. (By Mr. Karasick): (Examining book) Do you recall was this a minute that you took notes of, Mr. McGuire? [2095]

A. Yes, sir.

Q. Who was the Jack Rossi that was referred to in the minutes, do you know?

A. No, sir, I don't.

Q. Who mentioned him as——

A. I believe it states that Mr. Briggs—yes.

Q. Mr. Briggs mentioned him. And what did Mr. Briggs say about him, where he was or who he was?

A. No, sir. The only thing that was stated he contact Mr. Jack Rossi.

Q. I direct your attention, Mr. McGuire, to the sentence in the minutes: "Considerable discussion was held in this regard" which follows your statement that the manager reported Mr. Rhodes and Mr. Bertolucci had visited him.

(Testimony of William H. McGuire.)

Will you tell us, to the best of your recollection, what that discussion was?

A. Well, that, the board members merely asked the manager what the discussion was between Mr. Rhodes and Mr. Bertolucci and Mr. Martini and he answered them that they had contacted him, they came into the office and had discussed the possibility of organizing the help.

Q. Told him they were interested in organizing the employees?

Mr. Berke: Well, would he be permitted to tell——

Trial Examiner: Do you want him to finish first?

Mr. Karasick: I am interrupting him at this point, if he [2096] doesn't mind.

Q. (By Mr. Karasick): In effect, what he had said was—Mr. Martini said they had told him they were interested in organizing the employees of the cannery. Is that right?      A. That is right.

Q. Then what was the discussion that followed that?

A. Well, I believe that was all the discussion, Mr. Karasick. The board members just asked Mr. Martini to advise them what had taken place at the meeting. And Mr. Martini related that they had paid him a visit and was interested in seeing if they could organize the cannery help.

Q. And did the various members of the board of directors then express themselves either for or against this idea?

A. No. They—all they wanted to find out is what

(Testimony of William H. McGuire.)

was said between Mr. Rhodes and Mr. Bertolucci and the manager; in other words, what was taking place, or what had taken place, excuse me.

And the manager advised then that they had come into his office and, as I said before, said they were interested in organizing the cannery help.

Q. But nobody at that meeting expressed himself either as in favor of or against the general proposition of a union organizing the employees of the cannery. Is that right?

A. No, sir, they did not.

Q. I see. Now, is this—I notice you used the words here [2097] “considerable discussion was held in this regard.”

Is what you have told us all the discussion that was——

A. As far as my memory serves me, that is right. It isn't as though it went on for half an hour, 45 minutes or an hour. Maybe five or ten minutes. But I mean they discussed that one thing, what did they say, when were they here, how long did they stay. I mean it is things the board should be advised on by the manager on what is happening from time to time in the plant regardless whether it is this, the movement of apples, the price of apple sauce, why, they always, he is the one responsible for advising them and keeping them advised of all matters.

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#### Redirect Examination

Q. (By Mr. Berke): Mr. McGuire, the two lists that Mrs. Herrerias gave you, so it is clear in

(Testimony of William H. McGuire.)

the record, were those [2098] the two lists that you had typed up of the day shift and the night shift that you had given to Mr. Duckworth?

A. They are the two lists.

Q. Now, you were asked by Mr. Karasick, and he read from an affidavit that you made, and you indicated you wanted to explain something about that. May I have it, Dave, just a moment?

Mr. Karasick: Surely.

Q. (Continuing): On page 3 where reference is made to your having typed up two copies of this list for our records you indicated or I gathered you indicated you wanted to explain that. Is there something you want to say in that regard?

A. After reading this over, I am sure what I had reference to I typed up two copies of this list for our records that, the two copies of the day and night shift that I had given Leonard Duckworth to use in their choosing the single shift from those two lists. I think that this is worded very vaguely, here.

Q. Is that your explanation as to the two copies of this list that is referred to in there?

A. The two copies of the list that I made up for Leonard Duckworth, yes.

Q. Is that what you had reference to?

A. I am positive that is what I had reference to, and not two lists of this one here. [2099]

Q. That is, not two lists of Respondent's Exhibit 13. Is that what you are pointing at?

A. That is right. [2100]

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